

By Mr. GIBSON: A bill (H. R. 17227) granting an increase of pension to Eunice G. Trombly; to the Committee on Invalid Pensions.

By Mr. HOFFMAN: A bill (H. R. 17228) for the relief of the city of Perth Amboy, N. J.; to the Committee on Claims.

By Mr. LETTS: A bill (H. R. 17229) granting an increase of pension to Luella Belle Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17230) granting an increase of pension to Sarah E. Wilson; to the Committee on Invalid Pensions.

By Mr. LOZIER: A bill (H. R. 17231) granting a pension to Annie E. Carson; to the Committee on Invalid Pensions.

By Mr. MILLIGAN: A bill (H. R. 17232) granting a pension to Elizabeth McComas; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 17233) granting a pension to Martha E. Ramsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17234) granting a pension to Rosa Brown-miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17235) granting a pension to Dema Castner; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 17236) granting an increase of pension to Tamsen Yorgey; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

12338. By Mr. BACHMANN: Petition of Clara G. Allen and other citizens of Paden City, W. Va., protesting against compulsory Sunday observance; to the Committee on the District of Columbia.

12339. Also, petition of the Basnett Co. and other citizens of Mannington, W. Va., protesting against any change in the tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

12340. By Mr. BRIGHAM: Petition of H. S. Howard, recorder of the Commandery of the State of Vermont of the Military Order of the Loyal Legion of the United States, protesting against a provision in the second deficiency bill to construct a memorial to General Lee; to the Committee on Appropriations.

12341. By Mr. BURDICK: Petition of Nathan Schwartz and 34 other ex-service men, members of Local 387, of Providence, R. I., National Federation of Post Office Clerks, urging the passage of the McKellar bill (S. 860); to the Committee on the Civil Service.

12342. By Mr. CANNON: Petition of Sam G. Pollard, suggesting methods for better enforcement of the eighteenth amendment to the Federal Constitution; to the Committee on the Judiciary.

12343. By Mr. CARTER: Petition of Californians interested in tariff on sodium sulphate; to the Committee on Ways and Means.

12344. Also, petition of the California Vineyardists' Association, protesting against the passage of any bill having for its purpose the repeal of the Hoch-Smith resolution; to the Committee on Interstate and Foreign Commerce.

12345. By Mr. CRAIL: Petition of parties from Los Angeles, Calif., opposing an increase of tariff on stained glass; to the Committee on Ways and Means.

12346. By Mr. DYER: Petition of residents of St. Louis, Mo., assuming an attitude of dissatisfaction toward the Chemical Foundation, whose organization resulted from the transfer by the United States during the war of property worth nearly \$1,000,000,000; to the Committee on the Judiciary.

12347. By Mr. EATON: Petition of 47 retail shoe dealers and their customers, protesting against any change in the tariff on hides and leathers used in the manufacture of shoes; to the Committee on Ways and Means.

12348. By Mr. FITZPATRICK: Petition of the United States Casualty Co., urging the passage of House bill 15769, authorizing an appropriation to reimburse various insurance companies for losses sustained in the explosions of October 4 and 5, 1918, of the T. A. Gillespie Loading Co., Morgan, N. J.; to the Committee on War Claims.

12349. By Mr. GARBER: Petition of American Medical Association in opposition to the enactment of House bill 14070, a bill to provide a child welfare extension service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

12350. Also, petition of J. W. Jenkins, Kansas City, Mo., in argument against House bill 13452; to the Committee on Patents.

12351. Also, petition of Oklahoma Cottonseed Crushers Association, Oklahoma City, Okla., in support of a tariff on all edible oils; to the Committee on Ways and Means.

12352. By Mr. JOHNSON of Texas: Petition of J. W. Smith, of Denton, Tex., favoring the Curtis-Reed bill; to the Committee on Education.

12353. By Mr. LAMPERT: Petition signed by residents in Fond du Lac, Wis., requesting duty on manufactured leathers imported into the United States to combat the cheap labor of Europe in competition with American labor; to the Committee on Ways and Means.

12354. By Mr. LANKFORD: Petition of 1,072 members of the Fourth Presbyterian Church, Philadelphia, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

12355. Also, petition of 1,998 citizens of the city of Philadelphia and vicinity, urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

12356. By Mr. LINDSAY: Petition of Dimon Steamship Corporation, New York, strenuously opposing passage of Senate bill 1781, load-line regulation; to the Committee on the Merchant Marine and Fisheries.

12357. Also, petition of David W. Sowers, chairman of stockholders committee of Kansas City Joint-Stock Land Bank, urging that objection to passage of House bill 14000 be raised; to the Committee on Banking and Currency.

12358. By Mr. McCORMACK: Petition of Mattapan Post, American Legion, Mattapan, Mass., unanimously urging repeal of national-origins clause, now a part of the immigration laws; to the Committee on Immigration and Naturalization.

12359. By Mr. McSWEENEY: Papers to accompany House bill 17210, for the relief of Emma Pepper; to the Committee on Claims.

12360. By Mr. MAAS: Petition of citizens of St. Paul, Minn., protesting against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

12361. By Mr. MOORE of Virginia: Petition of William J. DeFriest, Victor B. Wheeler, and others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

12362. Also, petition of Mrs. Paul H. Herrell, Mrs. E. F. Curtis, and others, protesting against the passage of House bill 78; to the Committee on the District of Columbia.

12363. By Mr. O'CONNELL: Petition of the National Fertilizer Association, Washington, D. C., with reference to the Madden bill (H. R. 8305); to the Committee on Military Affairs.

12364. Also, petition of David W. Sowers, Buffalo, N. Y., opposing the passage of House bill 14000, amending section 29 of the farm loan act; to the Committee on Banking and Currency.

12365. Also, petition of the Holland Laundry, of Brooklyn, N. Y., and Augustus C. Froeb, of Brooklyn, N. Y., opposing the 45 per cent ad valorem duty on imported soap oils; to the Committee on Ways and Means.

12366. By Mr. SELVIG: Petition of citizens of Wilkin, Mah-nomen, and Norman Counties, Minn., urging the passage of House bill 10958; to the Committee on Agriculture.

12367. By Mr. STOBBS: Petition of residents of Worcester, Mass., opposing passage of House bill 78 or any compulsory Sunday observance bills; to the Committee on the District of Columbia.

#### SENATE

FRIDAY, February 22, 1929

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Lord God of hosts, whose mind embraces all mankind, whose heart is wide to harbor all our race, we thank Thee that though the ages stretch beyond our grasp, though life puts on her myriad forms and wastes herself in vain designs, Thou holdest all within the hollow of Thy hand, and though the march of man reaches from dusk to dawn, from the abyss to the throne, and generations rise and pass away, Thou leadest everyone.

Make us, therefore, ever mindful of Thy loving care, and, as we reverently pause in the midst of thronging duties to pay grateful tribute to the Father of our Country, bring into captivity every thought, that we may commune with what is high and holy in Thy sight and rejoice only in the fair and fragrant things of virtue and honor.

Kindle within us a flame in this aspiring hour that shall consume every grosser passion, that from our life henceforth, as from a lamp of Thine, a light may shine upon the ways of men. Through Jesus Christ, our Lord. Amen.

ROBERT B. HOWELL, a Senator from the State of Nebraska, appeared in his seat to-day.

#### THE JOURNAL

The legislative clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

#### CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McMaster	Shortridge
Barkley	Frazier	McNary	Simmons
Bayard	Gerry	Mayfield	Smith
Bingham	Gillett	Moses	Smoot
Black	Glass	Neely	Steck
Blaine	Glenn	Norbeck	Steiwer
Blease	Goff	Norris	Stephens
Borah	Gould	Nye	Swanson
Bratton	Greene	Oddie	Thomas, Idaho
Brookhart	Hale	Overman	Thomas, Okla.
Broussard	Harris	Phipps	Trammell
Bruce	Harrison	Pine	Tydings
Burton	Hawes	Pittman	Tyson
Capper	Hayden	Ransdell	Vandenberg
Caraway	Heflin	Reed, Mo.	Wagner
Couzens	Howell	Reed, Pa.	Walsh, Mass.
Curtis	Johnson	Robinson, Ind.	Walsh, Mont.
Dale	Jones	Sackett	Warren
Deneen	Kendrick	Schall	Waterman
Dill	Kling	Sheppard	Watson
Edge	McKellar	Shipstead	Wheeler

Mr. BLAINE. I wish to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent. I ask that this announcement may stand for the day.

Mr. JONES. I desire to announce that the Senator from Connecticut [Mr. McLEAN], the Senator from New Hampshire [Mr. KEYES], the Senator from Rhode Island [Mr. METCALF], and the Senator from New Mexico [Mr. LARRAZOLO] are detained from the Senate by illness.

Mr. MOSES. I wish to announce that my colleague [Mr. KEYES] is absent owing to illness.

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present. Washington's Farewell Address will be read by the Hon. JAMES A. REED, of Missouri.

#### WASHINGTON'S FAREWELL ADDRESS

Mr. REED of Missouri read the address, as follows:

*To the people of the United States:*

Friends and fellow citizens, the period for a new election of a citizen to administer the Executive Government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office of which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incom-

patible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed toward the organization and administration of the Government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experiences, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to



enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry.—The south, in the same intercourse, benefiting by the same agency of the north, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the north, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The east, in a like intercourse with the west, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The west derives from the east supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the west can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalry alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations,—northern and southern—Atlantic and western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heart burnings which spring from these mis-

representations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secured to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to

maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foment occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instru-

ments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vicies?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affections, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigating by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in



the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be constantly awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith;—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it

may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error. I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

UNITED STATES,

17th September, 1796.

GEO. WASHINGTON.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (S. 1781) to establish load lines for American vessels, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendment of the Senate No. 39, as amended, to the bill (H. R. 15089) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1930, and for other purposes.

The message further announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 56. Concurrent resolution to provide for the printing and binding of the proceedings in Congress and in Statuary Hall of the unveiling upon the acceptance of the statues of Henry Clay and Dr. Ephraim McDowell presented by the State of Kentucky, and for the distribution of the 2,500 copies authorized to be printed; and

H. Con. Res. 57. Concurrent resolution to provide for the printing of the first edition of the Congressional Directory of the first session of the Seventy-first Congress.

#### ENFORCEMENT OF PROHIBITION LAW—CORRECTION

Mr. BORAH. Mr. President, I desire to insert in the RECORD a brief item from the New York Herald Tribune of to-day. It refers to an error made by that newspaper in ascribing a certain statement to me.

The VICE PRESIDENT. Without objection, the item will be printed in the RECORD.

The item referred to is as follows:

QUOTATIONS FROM REED ATTRIBUTED TO BORAH—ERROR IN TRANSMISSION CAUSED THE HERALD TRIBUNE ERROR

The New York Herald Tribune has received the following telegram from Senator WILLIAM E. BORAH:

"WASHINGTON, February 21, 1929.

"To the EDITOR OF THE HERALD TRIBUNE:

"The quotation attributed to me in your leading editorial to-day is taken literally from Senator REED's speech. I made no such utterance. I am sure you will do me the justice to make the correction in your paper.

"WM. E. BORAH."

The quotation which Senator BORAH refers to was as follows:

"Men and women who in the old days would never have served a drink in their homes, or, if they did, would serve a little glass of wine, now dish it out, and mothers hand their daughters the liquor—girls of the same type who a few years ago would never have received anything but warning from their mothers. Girls guzzle it with boys."

The Herald Tribune deeply regrets that an error in transmission wrongly attributed this statement by Senator REED to Mr. BORAH.

#### ANNUAL REPORT OF PUBLIC BUILDINGS COMMISSION

Mr. SMOOT presented the annual report of the Public Buildings Commission for the year ended December 31, 1928; which, with the accompanying illustrations, was ordered to be printed as a Senate document.

#### REGULATION OF INTERSTATE TRANSPORTATION

Mr. BLAINE presented resolutions adopted by the Chicago & North Western Railway Employees' Club, of Green Bay, Wis., favoring the passage of legislation to regulate all interstate transportation, whether by bus, motor truck, or coastwise water carrier, etc., which were referred to the Committee on Interstate Commerce.

#### DAMAGES BY CANADIAN SMELTER

Mr. DILL. Mr. President, I have a joint resolution adopted by the State Legislature of the State of Washington on the subject of damages being done to citizens of that State by a smelter located across the Canadian line. The resolution is somewhat lengthy and I will not ask that it be read, but I ask that it may be printed in the RECORD following my remarks and referred to the Foreign Relations Committee.

I merely wish to add that the smelter mentioned is causing destruction on the American side of the line that is positively taking away the livelihood of the people who live there. The joint high commission which is investigating it with a view to settlement is proceeding rather slowly. I had hoped the commission might have made a report before this time in order that some action could be taken to protect the people on this side of the Canadian line.

The joint resolution was referred to the Committee on Foreign Relations, as follows:

#### Resolution

Be it resolved by the House of Representatives of the State of Washington in legislative session assembled, That—

Whereas there is situated near Trail, British Columbia, Canada, a certain smelting and refining plant for the treating and smelting of min-

eral ores, which said plant is owned and operated by the Consolidated Smelting & Refining Co. (Ltd.), and is one of the largest operated on the American continent, and located about 8 miles north of the international boundary line, and due north of Stevens County, State of Washington; and

Whereas it is conceded by responsible officials of said Consolidated Smelting & Refining Co. (Ltd.) that in excess of 1,000 tons of sulphur dioxide (SO<sub>2</sub>) is emitted from the stacks of such smelter during every 24 hours; and

Whereas about the year 1925 the stacks of such smelter plant were raised from a height of about 230 feet to a height of about 409 feet, and since the time of such raising of such stacks injury and damage from gases and fumes emitted therefrom has become very destructive to lands and homes in northern Stevens County, Wash.; and

Whereas property owners of northern Stevens County, Wash., have complained of damages from such fumes and gases over an area of approximately 25 miles by 40 miles, and such damage is continuous and gradually spreading and increasing in degree of destruction; and

Whereas responsible officials of said Consolidated Smelting & Refining Co. (Ltd.), at a hearing before the International Joint Commission at Northport, Wash., on October 10, 1928, stated that in their judgment such fumes and gases could not be controlled at such smelter plant unless at great and unreasonable expense and hardship, and thereupon requested of such commission that the Consolidated Smelting & Refining Co. (Ltd.) be permitted to come into the State of Washington and make private settlements for such damages, and that such settlements be approved by the said commission as though testimony had been taken under Article X of the existing treaty, and, if this permission should be refused, that said Consolidated Smelting & Refining Co. (Ltd.) be permitted to purchase smoke easements in the State of Washington; and

Whereas in the area now affected by such gases and fumes there is a large acreage of property owned by the State of Washington, the county of Stevens, the Government of the United States, and by private property owners, and if such gases and fumes are permitted to continue to lodge thereon the total market value of these lands so affected will be virtually destroyed, homes and farms will be abandoned, tax values destroyed, and tax burdens shifted to others who are property owners in the State of Washington; and

Whereas the flow of these destructive gases and fumes in and upon the territory of the State of Washington from the above-mentioned smelter plant can be avoided by the action of the said Consolidated Smelting & Refining Co. (Ltd.) either by reducing the height of the smelter smokestacks or by the use of modern machinery and chemical processes now in use in other smelter plants: Therefore be it

Resolved, That the house of representatives of the twenty-first legislative assembly, representing the people of the State of Washington, respectfully protest against the invasion of the territory of the State of Washington and the rights of the people therein by gases and fumes drifting through currents of the air from the plant of the Consolidated Smelting & Refining Co. (Ltd.) situated near Trail, British Columbia, Canada, and do hereby call upon the Congress of the United States to assist in proper steps—

1. To bring about the prompt cessation of the invasion of American territory and the rights of the people therein by gases and fumes drifting from the aforesaid smelter plant.

2. That upon the permanent cessation of such invasion of gases and fumes from such smelter plant that the State of Washington, Stevens County, and persons owning property therein be promptly paid and reimbursed for damages suffered by reason of such gases and fumes aforesaid; be it further

Resolved, That a copy of this resolution be forwarded to the Senate and House of Representatives of the United States, and to each of the Senators and Representatives from Washington in Congress, and to the Secretary of State for the United States, and to the members of the International Joint Commission at Ottawa, Canada, and at Washington, D. C.

I, the undersigned, hereby certify that the above is a true copy of a resolution unanimously adopted by the house of representatives February 15, 1929.

A. W. CALDER,  
Chief Clerk.

#### CLAIMS OF MONTANA INDIAN TRIBES AGAINST THE GOVERNMENT

Mr. WALSH of Montana. I send to the desk a memorial of the Legislative Assembly of the State of Montana embodying a resolution in the nature of a memorial relating to a suit brought in the Court of Claims by certain Indian tribes of the State of Montana, in which complaint was filed on the 10th of July, 1925, and to which no answer has yet been filed by the Government, awaiting action by the Comptroller General. The delay seems to be altogether indefensible. I ask that the memorial may be published in the RECORD and referred to the Committee on Indian Affairs.

The memorial was referred to the Committee on Indian Affairs, as follows:



House Joint Memorial 4 (introduced by Nelson and Jones) to the Congress of the United States requesting that speedy consideration be given claims of the Indian tribes herein mentioned and that the Comptroller General be directed to submit his data on the compilation of the counterclaims of the United States against said Indian tribes

*To the Honorable Senate and House of Representatives of the United States of America:*

Whereas the various tribes of Indians of the State of Montana have instituted an action by the filing of a petition in the Court of Claims of the United States No. E-427, under date of July 10, 1925, to hear, determine, and adjudicate the rights of the said various tribes of Indians arising under certain treaty stipulations, covenants, and agreements; and

Whereas the said petition has been pending and unnecessarily delayed too long in the said Court of Claims; and

Whereas the Comptroller General has been dilatory in filing the counterclaims of the United States and has thereby unnecessarily prolonged the consideration of this action; and

Whereas the said various tribes of Indians who are now citizens of the United States, by virtue of the act of Congress of June 2, 1924, and have therefore become an integral part of the Nation and are entitled to some consideration in respect to their vested property rights: Now, therefore,

Your memorialists request that said petition now pending in the Court of Claims be given speedy consideration and urge that you request or command the Comptroller General to submit his data on the compilation of the counterclaims of the United States against said various tribes of Indians; namely, Piegian, Blood, Blackfeet, Gros Ventre, and Nez Perce Tribes of Indians who have instituted the said action by the act of Congress approved March 13, 1924, entitled "An act for the relief of certain nations or tribes of Indians in Montana, Idaho, and Washington (43 Stat. L. 21); and be it further

*Resolved*, That the said Comptroller General be compelled to submit the said data or an estimate of the said counterclaims at as early a date as possible in order to expedite the speedy adjudication of the said claims of the said various tribes of Indians; be it further

*Resolved*, That a copy of this memorial, duly authenticated, be sent to the Senate and House of Representatives of the United States and to each of the Senators and Representatives of Montana in Congress with the request that they use every effort within their power to bring about an accomplishment of the ends and purposes herein indicated.

#### THE DECENNIAL CENSUS AND CIVIL SERVICE

Mr. BRUCE. Mr. President, I ask unanimous consent to have printed in the RECORD a considerable amount of material bearing upon the amendment which I have offered to the census bill, providing that all the supervisors, supervisor clerks, special agents, interpreters, and enumerators who are to be employed in connection with the taking of the next decennial census shall be selected under civil-service rules and regulations.

I wish to say just a word in this connection. I was induced to offer the amendment by a consideration which was very well expressed in a paper put forth by the National Civil Service Reform Association, which stated that—

Past experience shows that the grossest abuses, frauds, inaccuracies, corruption, and extravagance have followed every exemption of census employees from the provisions of the civil service law.

The material I desire to have inserted in the RECORD consists, first, of a statement of our different censuses, beginning with the census of 1890, prepared by a civic group in the city of Washington, followed by a letter from Mr. John T. Doyle, secretary of the United States Civil Service Commission, written to me on January 8, 1929; a letter from the same writer to Mr. J. W. Carson, secretary to the Senator from Michigan [Mr. COUZENS], dated January 14, 1929; a letter from the secretary of the National Civil Service Reform League to my colleague [Mr. TYDINGS], dated December 11, 1928; a protest by the National Civil Service Reform League, urging the adoption of the amendment offered by me to the census bill; a letter from the Southern California Civil Service League, dated February 5, 1929, to me, urging the adoption of my amendment; a similar letter from a member of the Women's Department of Civil Service of the City of Baltimore, the writer being Mrs. J. A. Wilson, a prominent lady of Baltimore, urging the adoption of the amendment; a letter from the State Federation of Pennsylvania Women to me, dated January 8, 1929, urging the adoption of the amendment; a letter from Mrs. Charles E. Ellicott, president, and Mrs. L. Emmett Holt, jr., secretary, of the American League of Women Voters, in the form of a resolution adopted by that league, also urging the adoption of the amendment; a copy of an article from the Woman's Journal of July, 1928, entitled "Mrs. Knapp," reciting the gross abuses and scandals developed in the taking of the census in the State of New York.

The material also includes an editorial from the St. Louis Daily Globe of February 11, 1929, approving the adoption of

the amendment; an editorial from the St. Louis Post-Dispatch of February 6, 1929, headed "Census and Civil Service"; a letter from Prof. Albert Bushnell Hart, of Harvard University, dated January 3, 1929, relating to the amendment; another letter from Mr. Godfrey L. Cabot, one of the most prominent citizens of Boston, whom many Senators know, relating to the same subject; and, lastly, a letter from Adelbert Moot, of Buffalo, N. Y., to me, dated February 5, 1929, bearing on the same subject.

There being no objection, the matter submitted by Mr. BRUCE was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

JANUARY 15, 1929.

#### CIVIL SERVICE AND THE CENSUS

Since December 12, H. R. 393, a bill to provide for the Fifteenth Decennial Census has been on the Senate Calendar, having been favorably reported with amendments from the Committee on Commerce. An additional amendment not considered by the committee, but of great public interest, has been proposed since the bill was reported, and is now on the table ready to be called up whenever the bill is considered by the Senate. By amending section 3 of the bill it would remove the exemption from civil-service regulations which is now given in respect to the appointment of special agents, supervisors, enumerators, and interpreters to be employed in taking the census and would make the merit system apply to those employments.

In introducing that amendment, Senator BRUCE, of Maryland, its sponsor, is carrying on a long fight to extend civil-service rules to the temporary census-taking force.

#### A BRIEF OUTLINE OF THAT FIGHT

The civil service act was passed in 1883. In the summer of 1889 President Harrison was requested by the Civil Service Commission to adopt competitive examinations for the selection of the census force for the approaching decennial task, the taking of the Eleventh Census. He refused and left with the superintendent of the census the power to make selections for the service. The superintendent recommended the supervisors, each one to be in charge of a district and they designated the enumerator. It was the spoils system all the way through, with the usual charges of waste and scandals which had always accompanied the taking of the census.

In March, 1897, a bill was introduced to provide for taking the Twelfth Census. It had a provision that the employees should be appointed under the classified civil service. The Senate committee struck the provision out, and when the President appointed a new Census Director the force was again appointed under the patronage system.

In 1908, in preparation for the next, the Thirteenth Census, President Roosevelt sent a special message to Congress, urging that the census employees should be selected by civil-service rules. Nevertheless, a bill characterized by the spoils features passed both Houses. It was vetoed by the President and returned to the Congress with a vigorous message upholding civil-service standards. The bill was returned in the last short session, just before a new administration was to come into power. To the chagrin of the friends of the patronage system, the incoming President, Mr. Taft, announced that he would veto any bill which contained the same spoils provisions.

A chastened Congress therefore passed a bill which required civil-service examinations for a considerable portion of the temporary census force—all the clerical staff was included—a force of about 7,000 workers.

The bill provided that the supervisors (a little more than 300 in number) were to be appointed by the President and confirmed by the Senate. About 1,800 special agents and approximately 65,000 enumerators were not specifically placed under the civil service, but the Director of the Census at that time (Mr. E. Dana Durand) was a friend of the merit system, and he prescribed an examination to be conducted by the Civil Service Commission.

The census of 1910 is the high-water mark, so far as civil service is concerned. It has had less serious criticism than any other census within the last 40 years. Both the accuracy of its statistics and its use of public funds were widely commended in contrast to the general attacks on previous enumerations.

The act providing for the census of 1920 (the fourteenth) retained the civil-service provisions of the preceding act, so far as the temporary clerical staff was concerned. However, it directed that the supervisors should be appointed by the Secretary of Commerce upon the recommendation of the Director of the Census. These supervisors in turn were authorized to appoint, with the approval of the Director of the Census, the enumerators and interpreters. Special agents were appointed by the Director of the Census. Civil-service rules were not mentioned at all in this act. The Director of the Census was given complete discretion.

To that extent the provisions of paragraph 3 of section 3 of the pending bill are a backward step, for the director is specially ordered to

appoint this staff without reference to the civil service act. The Bruce amendment would strike out that prohibition and substitute a provision making civil-service rules apply.

#### THE PRESENT ASPECT OF THE CONFLICT

The group of temporary employees which Senator BRUCE's amendment would reach is large and important.

At the hearings on the pending bill which were held by the House committee in January, 1928, it was stated by a representative of the Census Bureau that during the coming census there will be a temporary clerical force of from 7,000 to 8,000 persons. These will be employed under civil-service rules according to the bill. The group of special agents, supervisors, supervisors' clerks, and interpreters will be larger than that. Ten thousand was the estimate given. And in appointing this group the director is instructed to do so without reference to the civil service act. Likewise the 95,000 enumerators, which it is estimated will be necessary, are exempt.

The Civil Service Commission, by letter and by representation, urged that the proposed exemption should be removed from all of this group except enumerators. The enumerators are so many in number and their term of employment is so short—normally from 15 to 30 days—that their appointment by competitive examination is neither so easy nor so important to secure as that of the special agents and supervisors appears to be.

There will be approximately 375 supervisors in the field during this census. Each supervisor will select the enumerators under him, direct them, and be responsible for the work in his district. The length of employment for supervisors will vary—from four months to a year probably.

The group of special agents is larger. Under the census law of 1902 special agents are appointed to collect statistics in the field. Their duties are varied. It would appear from the brief statement on the subject made at the hearing before the House committee that many aspects of census taking apart from the simple population enumeration may fall to their jurisdiction. Records of marriage and divorce, of religious bodies, of city and State finance are made by special agents, and for this purpose the representative of the Census Bureau testified that State and city officials and clergymen often receive temporary appointments as special agents of the Census Bureau. It is estimated that about 2,000 special agents will be needed during the coming census period.

#### A BRIEF SUMMARY OF THE ARGUMENTS

Representatives of the Census Bureau testified at the House hearing that it would be impossible to place this group of special agents, supervisors, enumerators, etc., under civil-service rules because the employment is temporary.

The spokesman for the civil service stated in answer that placing positions under civil-service regulation does not necessarily mean that a competitive examination must be offered. The civil service act provides for special noncompetitive examinations and likewise it permits short-term employment without examination. The practice is regularly followed. Officials of the Civil Service Commission have publicly stated that they would be satisfied to permit such an exemption in the case of all the census enumerators. In this connection the experience of the 1910 census should be recalled. Then, although not required by law, the enumerators were selected through practical examinations conducted by the Civil Service Commission at the request of the Director of the Census.

That leaves special agents and supervisors and supervisors' clerks as the major group to be considered.

No argument is advanced to support the exemption of supervisors' clerks, but opposition to the inclusion of the supervisors themselves is usually based on the assertion that it is difficult to secure suitable candidates under civil-service procedure in addition to the fact that the employment is temporary. Supervisors should be persons enjoying the confidence of the community, with organizing and administrative experience. The integrity of the census figures must be their responsibility. To secure an honest and intelligent staff of enumerators a representative of the Census Bureau stated at the hearing, "We would have to depend on the judgment and honesty of the supervisor who appoints the enumerators." It is an important position and to argue that it should not be subject to civil-service regulation is to assume that under those regulations qualified persons can not be secured. That is an assumption not warranted by an examination of the facts.

A constantly increasing number of positions which demand administrative and organizing ability are being filled by the Civil Service Commission. Every department of the Government depends upon it to fill positions requiring those abilities. The commission's examining boards throughout the country offer a means of securing proper personnel which no single Government bureau has available. The commission itself states that it would have no difficulty in obtaining suitable candidates to certify to the Census Bureau for appointment as supervisors in the coming census.

Likewise in the case of special agents. In the past grave abuses have developed because some special agents have been retained from one census to another, often doing work properly coming under the perma-

nent classified service. The only argument advanced against the inclusion of this force of 2,000 is based on the temporary nature of their employment.

In answer to this objection the Civil Service Commission again points out that it is its privilege and policy to give exemption from examination in the case of employment which is actually temporary—from one to two months for example (p. 51 of the House hearings).

In addition, the flexibility of its rules encourages whatever modification of examining procedure might be necessary to give the Census Bureau the opportunity to secure the best-qualified staff available for the short-time employment.

To quote the representative of the commission who testified at the hearing (p. 56):

"We would consult with the Census Bureau officials, find what the duties are, and what, in their opinion, is the type of man they need, and would reach an agreement as to the kind and scope of the examination, then proceed to establish lists so as to be ready when they are needed."

No argument has been advanced in behalf of these exemptions which is not familiar to those who have protested similar exemptions in the past. Every one can be applied to any extension of the merit system. They were all used to prevent the inclusion of the clerical staff employed in Washington during the census period. However, the civil-service rules were applied and there is no suggestion that it has not been successful.

#### IN CONCLUSION

No one contends that the Director of the Census could not select competent appointees without civil-service rules if he were permitted to do it without the interference from political sources which we know as the spoils system. It may be assumed that any bureau chief might discover and employ an able staff if his independent judgment as to qualifications were to be his only guide. However, it would be naive to assume that such a condition exists and unnecessary to present the arguments for the merit system. The civil service act is a protection to right-minded Members of Congress from the immense pressure upon them to find jobs for their importuning constituents. It is a protection to the honest bureau chief against the entreaties of those harassed Members of Congress. Finally it is a protection to the public.

The coming census is unusually important. The 1920 enumeration was taken during the postwar period when there were unusual difficulties in its way. In addition the group of employees to which the Bruce amendment would apply was not selected under civil-service rules. The figures of that census have been severely challenged. The chairman of the Census Committee in the House stated in the hearing on H. R. 393 that one of the principal reasons why no reapportionment bill had been passed was because of the lack of confidence in that enumeration.

A reapportionment bill has just passed the House. Certainly public confidence in the reports of the census about to be taken should be sought. There would seem to be no better safeguard than to apply the merit system to the whole service and remove the stigma of the spoils system from the entire staff.

The particular problems of organizing a large temporary force should be recognized and can be met under civil service law. By cooperation with the Census Bureau Chief, by modification of its examining procedure to provide suitable tests and proper exemptions in the case of strictly temporary work, the difficulties cited in opposition to the application of civil-service regulations can be overcome. The virtues of the civil service need not be defended now, nor the scandals of the old spoils system discussed. It need only be said that there appears to be no valid reason why the employment policies of this Government should be suspended in respect to the temporary census staff. Therefore the amendment offered by Senator BRUCE should be adopted.

UNITED STATES CIVIL SERVICE COMMISSION,  
Washington, D. C., January 8, 1929.

SENATOR WILLIAM CABELL BRUCE,  
United States Senate.

MY DEAR SENATOR BRUCE: The commission is pleased to observe your amendment to H. R. 393, providing that the census field force shall be subject to the civil service act.

The census act for the Thirteenth Census (1910) required the commission to hold examinations and establish registers from which appointments were to be made by the Director of the Census. The results of those examinations showed the practicability of supplying eligibles in large numbers in a limited time. On June 30, 1909, the Census Bureau had on its rolls about 650 names of persons employed in Washington. By June 30, 1910, the force had increased to approximately 3,000, and on October 1, 1910, to about 3,650. All of these were appointed as a result of competitive examinations and by selection from the head of the register with due regard to the apportionment. The 71,500 census enumerators in that census and a large number of special agents, though not classified under the rules, were selected through practical examinations held throughout the United States. The Director of the Census made use of the commission's nearly 5,000 local exami-



ing boards, candidates being assembled at points convenient to their places of residence. The results of the application of the merit principle in the Thirteenth Census appear to justify the belief that the same system should be followed in the selection of the personnel required in the Fifteenth Census.

The commission is of the view that the civil service act and rules are sufficiently flexible to admit of their application in a practicable degree to the field force of the census, and that where necessary exception could be made from competition by action of the commission.

Your amendment is therefore favored.

By direction of the commission:

Very respectfully,

JOHN T. DOYLE, *Secretary.*

JANUARY 14, 1929.

Mr. J. W. CARSON,

*Secretary to Senator Couzens, United States Senate.*

DEAR MR. CARSON: In response to your letter of January 12, I would state that at two previous censuses the enumerators and special agents were appointed through the machinery of the commission on request of the Director of the Census. In its twenty-seventh report, page 15, the commission said:

"The 71,500 1910 census enumerators and a large number of special agents, though not classified under the rules, were selected through practical examinations held throughout the United States. Although not required by law, they were ordered by the Director of the Census. The Director of the Census made use of the commission's local examining boards, the candidates being assembled at points convenient to their places of residence. This method was a great improvement over that followed in the census of 1900, when the examination papers were filled out by the competitors at their homes."

The commission has large registers of suitable eligibles for rural carrier, clerks and carriers in post offices, clerks in the Railway Mail Service, and for a large number of various field positions.

The failure to use the eligibles who have been obtained at large expense is inconsistent with good faith on the part of the Government. The appointment of this large census force every 10 years under the patronage system fosters in the public mind a cynical disbelief in the merit system and discourages qualified persons from undertaking the examinations.

Such further examinations as might be necessary could be promptly held by the commission's nearly 5,000 boards of examiners under the direction of the commission's 13 district secretaries. The supervisors, clerks, interpreters, enumerators, and special agents could be selected under appropriate tests of fitness either from existing registers or by competitive or noncompetitive examination or by allowing temporary appointment without examination.

The civil service act and rules are so flexible that no embarrassment would be experienced in making such appointments under them. For instance, the weighers of mail were appointed from the commission's registers by voluntary action of the post office. It is merely a question of the commission being given the comparatively small additional appropriation. It would be found a great economy to use the commission's facilities as was done by the War and Navy Departments during the war period and for the bonus force.

Very respectfully,

JOHN T. DOYLE, *Secretary.*

NATIONAL CIVIL SERVICE REFORM LEAGUE,  
New York City, December 11, 1928.

Hon. MILLARD E. TYDINGS,

*United States Senate, Washington, D. C.*

DEAR SIR: On behalf of the National Civil Service Reform League, we respectfully and earnestly urge that you disapprove in its present form the census bill (H. R. 393) to provide for the fifteenth and subsequent decennial censuses. The blanket exemption from the provisions of the civil service act for all special agents, supervisors, supervisors' clerks, enumerators, and interpreters which appears in the bill as passed by the House should be stricken out.

In urging you to eliminate this general exemption we are not unmindful of the possibility that it may prove to be impracticable to select all the enumerators through competitive examination. A specific exemption from the rules of competitive examination in the bill itself is, however, unnecessary in order to take care of any exemptions that may be desirable. The civil service act specifically provides for just such situations as may arise in the administration of the census act. Under the civil service law the President is authorized to provide by Executive order for the exemption from competitive examination of any position or class of positions.

Experience in previous censuses conducted by the Federal Government and also by State governments has shown that the large majority of employees included in such positions as special agents, supervisors, supervisors' clerks, enumerators, and interpreters have been selected solely upon the basis of political affiliation and without regard to fitness for the work to be done where such positions have been filled without competitive examination. Only recently New York State has had an

example of the waste and corruption which follows the distribution of such positions as political patronage. The cost of the 1925 census for the State of New York was estimated at \$1,200,000, but this was not sufficient to complete the compilation of statistical information which was intended to be produced.

The employees in the New York State census bureau, with but three exceptions, were employed without any tests of fitness by the civil-service commission. A report recently issued by an official investigator on behalf of the governor states that about \$200,000 was either illegally or wastefully expended under this type of administration.

We are sure that you will wish to place in the bill every possible safeguard against the waste of public funds in the administration of the decennial census. We believe, therefore, that you should be willing to entrust to the judgment of the President the extent to which it may be practicable to select the census employees after competitive examination.

Respectfully yours,

H. ELIOT KAPLAN, *Secretary.*

A PROTEST AGAINST AN INEFFECTIVE CENSUS—NATIONAL CIVIL SERVICE REFORM LEAGUE URGES ADOPTION OF THE BRUCE AMENDMENT TO THE CENSUS BILL

The permanent staff and employees of the United States Census Bureau are appointed in accordance with the provisions of the civil service law. The work of the bureau from year to year has been eminently satisfactory.

In connection with the proposed decennial census to be taken in 1930 it is provided by H. R. 393, now before the Senate, that all other temporary employees—special agents, supervisors, supervisors' clerks, enumerators, and interpreters—who, it is estimated, will number about 100,000, shall be appointed by the Director of the Census without reference to the civil service law. The Director of the Census may delegate to the supervisors authority to appoint enumerators.

Thus in its present form the bill makes possible the appointment of about 100,000 persons with no assurance whatever that their qualifications will be taken into account. Whether the enumerators are selected by the director or by the several hundred supervisors will make no particular difference, for the supervisors, being patronage appointees, will naturally and inevitably appoint enumerators on a political and patronage basis.

Experience in previous Federal censuses taken under similar bills has proved disastrous in the character of the employees selected, the inaccuracy of the work, and the lack of public credit given the census. The result of the work under such a system is discredited even in advance of the enumeration, for if a party in power has a free choice between a nonpolitical and a political agency for taking the census, and chooses the latter, composed of officials of its own political faith, the presumption is against the fairness of a census so taken. The results will reflect the bias of those who take it. And even if it were fair many would not believe it to be fair. And if at the close of the work inaccuracies are shown, resulting in the advantage of the party by which it is taken, the work is sure to be attributed to political manipulation.

In the census of 1890 the employees were selected without competition, principally upon nomination by Republican Members of Congress. In many places the enumerators were instructed by the supervisors and others to do political work. In New York City, where the enumerators were named by the Republican organization, several men with criminal records secured appointment. Yet private houses were opened to such men with the understanding that the Government considered them trustworthy. Many facts indicated that the New York census was inaccurate and incomplete, and the police authorities, by order of the mayor, had a recount made, which showed a population greater by nearly 200,000 than that given by the Federal authorities. The recount showed that in many wards large numbers of residents, often entire houses, had been omitted. As the enumerators were Republicans, and as the city was preponderantly Democratic it was naturally inferred that the underenumeration was intentional and made for the purpose of reducing the city's representation in Congress.

It was afterward estimated by the director himself that \$2,000,000 and more than a year's time would have been saved if the Census Bureau had been placed under the civil service law.

The census of 1900 suffered from the same defect. Senators and Representatives were asked to nominate persons for appointment; and it was inevitable that the appointees should use the power given them for the benefit of their party and of the particular Congressmen through whom they had secured their places. In one Maryland county the returns were deliberately padded in order to secure additional representation in the Maryland House of Delegates for the party in power. For this purpose graveyards and summer hotels were canvassed and imagination was largely drawn upon. In many cases the deceptions were unbelievably crude; small children were listed as school teachers, farm laborers, and carpenters. The Federal grand jury which brought in the indictment said in their report: "So long as such appointments are treated as part of the spoils of politics the recurrence of such frauds and scandals as have been revealed by our investigation may be expected."

The 1890 and 1900 censuses were taken under a provision of law excluding competition; that is, necessitating appointments being made under the spoils system. Every man competent to speak with authority because of his knowledge of and familiarity with the work of those censuses has stated that the result was to produce extravagance and demoralization.

In the 1910 census, although the bill provided that enumerators should be appointed by the supervisors, who, in turn, were appointed by the Director of the Census, at the request of the director these employees were selected through the machinery of the United States Civil Service Commission. A generally satisfactory and reliable census was obtained.

Only recently New York State has had an example of the waste and corruption which follows the distribution as political patronage of such positions as special agents, supervisors, enumerators, and interpreters.

The cost of the 1925 census for the State of New York was estimated at \$1,200,000, but this was not sufficient to complete the compilation of statistical information which was intended to be produced. The employees in the New York State Census Bureau were employed without any tests of fitness by the Civil Service Commission. A report issued by an official investigator on behalf of the governor states that about \$200,000 was either illegally or wastefully expended under this type of administration.

Two objections have been made to the appointment of census employees through civil-service examination. The argument has been made that the enumerators to be appointed are so numerous and their terms of service so short that it would be undesirable and perhaps impossible to require them to go through the formalities of a civil-service examination. This argument has been answered by the Civil Service Commission itself, as follows:

"The census act for the Thirteenth Census required the commission to hold examinations and establish registers from which appointments were to be made by the Director of the Census. The results of those examinations showed the practicability of supplying eligibles in large numbers in a limited time. On June 30, 1909, the Census Bureau had on its rolls about 650 names of persons employed in Washington. By June 30, 1910, the force had increased to approximately 3,000, and on October 1, 1910, to about 3,650. All of these were appointed as a result of competitive examinations and by selection from the head of the register, with due regard to the apportionment. The 71,500 census enumerators in that census and a large number of special agents, though not classified under the rules, were selected through practical examinations held throughout the United States. The Director of the Census made use of the commission's nearly 5,000 local examining boards, candidates being assembled at points convenient to their places of residence. The results of the application of the merit principle in the Thirteenth Census appear to justify the belief that the same system should be followed in the selection of the personnel required in the Fifteenth Census.

"The commission is of the view that the civil service act and rules are sufficiently flexible to admit of their application in a practicable degree to the field force of the census and that where necessary exception could be made from competition by action of the commission."

The other objection to civil-service examination of these employees is that the 100,000 persons thus added to the Government pay roll and given civil-service status would endeavor to retain Government employment after completion of the census. Such efforts of temporary employees to create for themselves permanent positions could not be successful if Members of Congress would refuse to yield to political pressure put upon them by these employees or their friends. Exemption from examination, and exclusion from the classified civil service, however, would not deter census employees from using all the influence they could muster to permit their transfer or inclusion in the classified service. In fact, this very thing, which it is feared might occur if employees were appointed under the civil service law, has repeatedly occurred in the past, when they were appointed through political patronage.

Past experience shows that the grossest abuses, frauds, inaccuracies, corruption, and extravagance have followed every exemption of census employees from the provisions of the civil service law.

There is no legitimate reason for appointing the census employees without civil-service examination, for

1. The Civil Service Commission states that it is able and ready to fill the places by examination, and already has available lists of thousands of eligibles.

2. In case of an emergency requiring examination to be waived the President has full authority to suspend the civil service law.

Senator WILLIAM C. BRUCE, of Maryland, has introduced an amendment to the pending census bill providing for the appointment of special agents, supervisors, supervisors' clerks, enumerators, and interpreters subject to the civil service law. No valid reason can be advanced why this amendment should not be adopted. Repeated experience shows that while plausible reasons can always be found for including exemptions in a census act the real motive is always to be found in the opportunity thus given for patronage and spoils. The adoption of the Bruce amendment would insure an accurate and reliable census.

SOUTHERN CALIFORNIA CIVIL SERVICE LEAGUE,

February 5, 1929.

Hon. WILLIAM C. BRUCE,

Senator from Maryland, Washington, D. C.

DEAR SENATOR BRUCE: We write to commend you upon the amendment which you have introduced to the pending census bill providing for the appointment of special agents, supervisors, supervisors' clerks, enumerators, and interpreters, subject to the civil service law, and trust that it will be adopted.

With best wishes, we beg to remain,

Respectfully yours,

SOUTHERN CALIFORNIA CIVIL SERVICE LEAGUE,  
By KIMPTON ELLIS, Secretary.

1013 ST. PAUL STREET.

To the Hon. Senator BRUCE:

At a meeting of the Woman's Department of Civil Service on last Friday a resolution was passed indorsing your resolution putting the employees of the Census Department under the civil-service rules. We hope that you will continue to urge the passing of this.

Yours truly,

MARY W. WILSON.  
(Mrs. J. A.)

STATE FEDERATION OF PENNSYLVANIA WOMEN, 1927-1929

January 8, 1929.

To the Hon. WILLIAM C. BRUCE,

United States Senate:

The State Federation of Pennsylvania Women, through its civil-service committee, thanks you for your bill amending the census bill by providing that all persons employed in taking the census shall be appointed under the provisions of the national civil service law.

The federation regards this amendment as most important, having a vivid memory of the inefficiency, extravagance, and corruption that have prevailed at other takings of the census when so many employees were appointed for partisan and political reasons.

IMOGEN OAKLEY,  
Chairman of Committee.

MARYLAND LEAGUE OF WOMEN VOTERS,  
Baltimore, Md.

Whereas the extension of the civil service of the United States to include the employees to be engaged for the purpose of taking the census has been proposed; and

Whereas it is our belief that this will operate to increase the efficiency of the service: Therefore be it

Resolved, That the Maryland League of Women Voters indorses the proposed amendment to House bill 393; and be it further

Resolved, That we respectfully petition the Senate of the United States to adopt the proposed amendment.

MRS. CHARLES E. ELLICOTT,  
President.

MRS. L. EMMETT HOLT, Jr.,  
Secretary.

[Editorial from the Woman's Journal, July, 1928, page 20]

MRS. KNAPP

The conviction of Mrs. Florence E. S. Knapp, former secretary of state in New York, who was charged with grand larceny in handling the State census funds, has been generally accepted as just. Apparently the presiding justice was judicial and able, and the trial proceeded to logical conclusions from the evidence—largely evidence given reluctantly by Clara Knapp, Mrs. Knapp's stepdaughter. The offense was serious—appropriation of census funds by Mrs. Knapp's indorsement of a check for \$2,875 made out to Clara Knapp, which the young woman, a college teacher, testified that she never earned and never saw. Though Mrs. Knapp denied the charge, her stepdaughter's testimony carried conviction. This charge was but one of several of the same nature. And however sorry for Mrs. Knapp one may be, anyone who is concerned about the future of women in politics and public life must be satisfied with the verdict. Had Mrs. Knapp escaped because she is a woman, should she now escape some punishment, however slight, women would suffer, not gain. Appointment or election of women would be less likely. The tendency to hold all women responsible for what Mrs. Knapp has done would be strengthened.

But there remains something unsatisfactory about the Knapp case, and a feeling has been expressing itself throughout the State that justice was not fully done. The census was a political grab bag. Thousands of jobs were turned over to party bosses for distribution as part of the rewards for the success of the party in the last election. Is it likely that Mrs. Knapp was the only one to secure some graft from the big sum expended? There were notable absences from the witness chair. One gets the impression that, though probably guilty of inexcusable graft, Mrs. Knapp, out of party loyalty, may have allowed men grafters to hide behind her petticoats. The feeling grows that there may have



been others who should have been tried with her and who, under the same persistence, would have been found equally guilty. This explanation of the public sentiment in the State of New York concerning this memorable trial of a woman in public office is due the women of the Nation.

[From the St. Louis Globe-Democrat, Monday, February 11, 1929]

#### THE 100,000 CENSUS JOBS

The 100,000 appointees required in taking the next Federal census will receive pay ranging from \$5 and \$8 a day to \$3,000. Distributed as election spoils, it must not be supposed that these places are the less esteemed because the work and pay last in most instances not more than four weeks and in a few other instances six weeks.

It is just such jobs as these that are highly appreciated as enabling a myriad of political debts to be paid. Local workers whose ordinary activities would not permit them to take a permanent official appointment are provided with appreciated recognition, and the pay, being fairly good while it lasts, is received with the gladness with which unexpected windfalls, pin money, and modest strokes of good fortune are received.

The amendment to the census bill of Senator BRUCE, of Maryland, requiring the appointments to be made under the Civil Service Commission's regulation, hits Congress with a chill. The points he makes are not answered by pleas that his amendment would only introduce red tape, complicating the work of making the selections, and that these 100,000 temporary jobs are aside from the scope and purpose of the elaborate merit system.

As a matter of fact, the laws under which the Civil Service Commission operates are framed to cover census jobs of this precise kind. They are "emergency" appointments for which full provision is made. The adoption of his amendment would not mean a full compliance with all the conditions as to competitive examination required in the case of permanent appointments. Only qualifications showing a fitness for "emergency" jobs would have to be determined, and the procedure would be correspondingly informal.

A fitness certified to on that basis surely would be preferable to a fitness graded down to the standards of the spoils principle. Mr. BRUCE is correct in saying that the 1910 census was taken under a provision of law identical with his amendment and that the plan worked satisfactorily.

[From the St. Louis Post-Dispatch, Wednesday, February 6, 1929]

#### CENSUS AND CIVIL SERVICE

Senator BRUCE, of Maryland, has offered an amendment to the census bill, now before Congress, providing for the appointment of special agents, supervisors, supervisors' clerks, enumerators, and interpreters subject to the civil service law. Its purpose is to remove the 1930 census from partisan politics and to insure an accurate count.

In its present form the census bill makes possible an orgy of patronage dispensing. Approximately 100,000 workers are needed in the field force and, unless some safeguard is placed in the law, the Director of the Census and his aids may make appointments for political purposes without any regard for qualifications for the work.

According to the National Civil Service Reform League, a reliable census was obtained in 1910, when, at the request of the Director of the Census, supervisors of the census were selected through the machinery of the United States Civil Service Commission. For the law to give the director such wide discretion might have less happy results next time.

Previous census takings, notably that of 1890, have been scandalously conducted. In 1890 Republican Members of Congress were permitted to choose the field force. A check of its work showed that in New York City large numbers of residents, often entire houses, had been omitted. The inference was that Republican census takers had deliberately underestimated the population of a Democratic city to reduce its membership in Congress. In 1900, in Maryland, graveyards were canvassed to obtain additional representation in the house of delegates for the party in power.

Past experience has abundantly proved the desirability of Senator BRUCE's amendment, not only to assure an honest and reliable count but to prevent the wasteful use of census funds.

CAMBRIDGE, MASS., January 3, 1929.

Senator BRUCE,

United States Senate Building, Washington, D. C.

DEAR SENATOR BRUCE: It appears that you are backing up the common-sense proposition that the employees of the Census Bureau shall be selected in accordance with the civil service law. One of the long-standing abuses of our National Government is the selection of persons not qualified for the tasks of making the decennial enumerations for the United States census. The qualifications are not severe, but it is essential that the enumerators should be accustomed to figures, competent to carry on simple accounts, intelligent, and honest. The breakdown of the census in New York State was principally through the appointment of incompetents, as well as a scandalous waste of public

money, which could have been prevented by the appointment of well-qualified persons.

Business men the country over ought to stand for that principle because of the immensely important decisions that must be made upon the basis of the movement of population from decade to decade and from place to place. Though not a Baltimore constituent, I am a United States constituent of yours in the satisfaction I take in your effort for the public welfare.

Cordially yours,

ALBERT BUSHNELL HART.

GODFREY L. CABOT (INC.),

Boston, Mass., February 5, 1929.

Senator W. C. BRUCE,

Washington, D. C.

DEAR SENATOR BRUCE: I beg to express to you my personal appreciation of your action in introducing an amendment to the census bill placing the employees under civil-service rules. I don't know of any bunch of employees where this rule can be applied with more benefit or less inconvenience to the departmental heads. They are obliged to select a great number of men in a hurry, and this will enable them to select the best men under circumstances that will minimize the personal annoyance to them from the unsuccessful applicants.

Secondly, during the comparatively short time of employment these employees are not likely to seriously deteriorate in mind or body, as inevitably happens with the lapse of time in the case of permanent appointments. Therefore the problem in getting rid of an undesirable employee against whom, however, no serious charges can be made is much less likely to present itself in temporary than in permanent appointments, and the difficulty of doing so is not likely to be nearly so great, because such incumbents are much less likely to put up a hard fight for reinstatement in a temporary job than in a permanent one.

Hoping this will find all well with you and your family, and begging to be warmly remembered to Mrs. Bruce, I am,

Yours very sincerely,

GODFREY L. CABOT.

BUFFALO, N. Y., February 5, 1929.

Hon. WILLIAM C. BRUCE,

United States Senate, Washington, D. C.

MY DEAR SENATOR: I observe that you propose to amend the census bill by providing that those who shall take the next Federal census shall be selected by examinations under the national civil service law, and thus that census will be taken and prepared in a businesslike way, as I understand the last one was, instead of the old political job way, that used to disgrace our Federal census just as it disgraced our last State census in this State. While I do not belong to your political party, I do belong to any political party for the time being that thus proposes to substitute patriotism, common sense, and economy, and the reign of law for plain old fashioned political jobbery. More power to your elbow, and especially to your brain.

Sincerely your friend,

ADELBERT MOOT.

#### NEW JERSEY SENATORIAL ELECTION (REPT. NO. 1861)

Mr. McNARY. From the Special Committee Investigating Expenditures in Senatorial Primary and General Elections, referred to as the Reed committee, I submit a report on the New Jersey senatorial contest. I ask that the report may be printed and lie on the table.

The VICE PRESIDENT. Without objection, the report (No. 1861) will be printed and lie on the table.

#### PENNSYLVANIA SENATORIAL ELECTION (REPT. NO. 1858)

Mr. REED of Missouri. On behalf of the Special Committee Investigating Expenditures in Senatorial Primary and General Elections, I submit a general report touching the Vane case, and merely make the statement that the report is unanimous by the committee upon the record as it stands. The junior Senator from Utah [Mr. KING] has expressed his views in a separate document, which is appended to and made a part of the report. I ask that the report of the committee may be printed and lie on the table. I will ask the senior Senator from Utah how many extra copies should be printed?

Mr. SMOOT. That would have to be estimated for. I can not tell the Senator how many could be printed under the law.

Mr. REED of Missouri. I think, Mr. President, that a thousand copies will be first and last demanded.

Mr. SMOOT. I think, under the law, a thousand copies may be printed.

The VICE PRESIDENT. Without objection, the report (No. 1858) will lie on the table and a thousand copies will be printed.

Mr. REED of Missouri. I have one word further to say. I wish to give notice that on to-morrow I intend to call this report to the attention of the Senate as a privileged matter.

## REPORTS OF COMMITTEES

Mr. WALSH of Montana, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 5482) to authorize the disposition of unplatted portions of Government town sites on irrigation projects under the reclamation act of June 17, 1902, and for other purposes, reported it without amendment and submitted a report (No. 1857) thereon.

Mr. WHEELER, from the Committee on Indian Affairs, to which was referred the bill (H. R. 15723) authorizing an appropriation of Crow tribal funds for payment of council and delegate expenses, and for other purposes, reported it without amendment and submitted a report (No. 1859) thereon.

Mr. EDGE (for Mr. EDWARDS), from the Committee on Naval Affairs, to which was referred the bill (H. R. 16533) to authorize the American Legion, Department of New Jersey, to erect a memorial chapel at the naval air station, Lakehurst, N. J., reported it without amendment and submitted a report (No. 1860) thereon.

Mr. ROBINSON of Indiana, from the Committee on Pensions, reported an additional amendment to the bill (H. R. 16878) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and submitted a report (No. 1727, pt. 3) thereon.

Mr. BINGHAM, from the Committee on Military Affairs, to which was referred the bill (S. 5555) to provide more effectively for the national defense by increasing the efficiency of the Air Corps of the Army of the United States, and for other purposes, reported it without amendment and submitted a report (No. 1862) thereon.

## ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mr. GREENE, from the Committee on Enrolled Bills, reported that to-day that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 1530. An act for the relief of Gilpin Construction Co.;

S. 3881. An act to provide for the paving of the Government road, known as the Dry Valley Road, commencing where said road leaves the La Fayette Road, in the city of Rossville, Ga., and extending to Chickamauga and Chattahoochee National Military Park, constituting an approach road to said park;

S. 5179. An act to improve the efficiency of the Lighthouse Service, and for other purposes; and

S. J. Res. 213. Joint resolution to provide for extending the time in which the United States Supreme Court Building Commission shall report to Congress.

## BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRATTON:

A bill (S. 5861) granting a pension to John L. Tenney; and

A bill (S. 5862) granting an increase of pension to R. L. Baca; to the Committee on Pensions.

By Mr. GILLET:

A bill (S. 5863) for the relief of Isabel Alger; to the Committee on Claims.

By Mr. SWANSON:

A bill (S. 5864) to provide for the study, investigation, and survey, for commemorative purposes, of battle fields in the vicinity of Richmond, Va.; to the Committee on Military Affairs.

By Mr. HOWELL:

A bill (S. 5865) to amend the act entitled "An act authorizing the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes," approved March 3, 1887; and

A bill (S. 5866) to amend the act entitled "An act authorizing the construction of a bridge across the Missouri River between the cities of Omaha, Nebr., and Council Bluffs, Iowa, and for other purposes," approved March 3, 1887; to the Committee on Commerce.

By Mr. McKELLAR:

A bill (S. 5867) granting the consent of Congress to the city of Chattanooga and the county of Hamilton, Tenn., to construct, maintain, and operate a bridge across the Tennessee River at or near Chattanooga, Hamilton County, Tenn.; to the Committee on Commerce.

By Mr. ROBINSON of Indiana:

A bill (S. 586) granting a pension to Virgil H. Effinger; to the Committee on Pensions.

By Mr. WAGNER:

A bill (S. 5869) to authorize the cession to the city of New York of land on the northerly side of New Dorp Lane in exchange for permission to connect Miller Field with the said city's public sewer system; to the Committee on Military Affairs.

By Mr. CAPPER:

A bill (S. 5870) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910; to the Committee on the District of Columbia.

By Mr. ASHURST:

A bill (S. 5871) granting relief to disabled ex-service men in submitting final proof on homestead entries; to the Committee on Public Lands and Surveys.

By Mr. KING:

A bill (S. 5872) for the relief of Indians, and for other purposes; to the Committee on Indian Affairs.

## AMENDMENTS TO DEFICIENCY APPROPRIATION BILL

Mr. SMOOT submitted an amendment intended to be proposed by him to House bill 17223, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 80, line —, insert the following:

"Salt Lake City, Utah, post office, courthouse, etc.: The authorization for the acquisition of additional land and the commencement of extension and remodeling of the post office, courthouse, etc., at Salt Lake City, Utah, contained in the act approved May 29, 1928, making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and for other purposes, is hereby amended so as to authorize the Secretary of the Treasury, in his discretion, either to carry out the above authorization or to enlarge and extend the present Federal building so as to provide in part for the required additional accommodations, and also to acquire a site with the building thereon and to remodel and extend said building as an annex to the post office, courthouse, etc., to provide the further necessary additional accommodations, and the appropriation contained in said act is hereby made available for providing the required accommodations under such method as the Secretary of the Treasury may select: *Provided*, That the total limit of cost for providing for all the accommodations required shall not exceed the limit of cost fixed in said act."

Mr. HAYDEN submitted an amendment intended to be proposed by him to House bill 17223, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 84, line 2, insert the following as a new paragraph:

"NOGALES, ARIZ., INTERNATIONAL STREET

"For grading and paving of the Federal strip of land known as International Street, belonging to the United States, along the international boundary line between Mexico and the United States and adjacent to the city of Nogales, Ariz., said paving to extend from the east side of Nelson Avenue to the top of the hill beyond West Street, with the necessary fence, retaining walls, storm sewers, the installation of an ornamental lighting system, and other items necessary in connection therewith, \$30,000, and in addition the unexpended balance of the appropriation of \$40,000 under this heading in the second deficiency act, fiscal year 1928, approved May 29, 1928, is continued and made available until June 30, 1930, for the purposes of this paragraph."

Mr. NORBECK submitted an amendment intended to be proposed by him to House bill 17223, the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill insert the following:

"To carry out the purposes of the act approved —, entitled 'An act creating the Mount Rushmore National Memorial Commission and defining its purposes and powers,' toward the one-half cost of the memorial and landscaping to be borne by the United States, \$100,000, to be immediately available."

## RESTRICTIONS ON EXPORT OF ARMS

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD the following articles from the New York Times of February 11, 1929, relative to Senate Joint Resolution 215, declaring it unlawful to export arms and other articles for use in war to any country violating the provisions of the multilateral treaty for the renunciation of war.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

MOVE TO BACK PEACE PACT WITH TRADE EMBARGO ON VIOLATORS,  
ASKING LIKE PLEDGE OF OTHER NATIONS

(Special to the New York Times by Richard V. Oulahan)

WASHINGTON, February 10.—A movement to put teeth in the Kellogg multilateral treaty renouncing war as an instrument of national policy, otherwise known as the pact of Paris, recently ratified by the Senate, will be started to-morrow when Senator ARTHUR CAPPER, of Kansas, a member of the Committee on Foreign Relations, will offer a joint resolution designed to authorize the employment of nonforcible sanctions or



disciplinary measures against any adhering government which violates the pact.

The Capper resolution, the text of which was made public to-night, provides, in effect, that this Government shall establish an economic boycott against any such nation and invests the President with authority to issue a proclamation forbidding the export of munitions of war to any offending government. This approximates the economic boycott provisions of the League of Nations covenant. No resort to force by the United States is contemplated in the provisions.

The fundamental principle enunciated and the authority conveyed in these resolutions are contained in the following provision:

"That whenever the President determines and by proclamation declares that any country has violated the multilateral treaty for the renunciation of war, it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues."

From this it will be seen that the authority to be conveyed to the President may be qualified or withdrawn if Congress enacts a law to that effect or the President himself issues a proclamation declaring that the economic boycott is not to be employed.

Another provision states it to be the policy of the United States that its citizens shall not be protected by the Government if they give "aid and comfort" to a nation which violates the pact. The resolution also requests the President to negotiate treaties with other adherents of the treaty to insure that their nationals will not be protected by their governments if they give assistance to an offending nation.

It is provided, however, that the policy of refusing protection to American citizens in such circumstances shall not apply against a violating nation which has failed to make a declaration that it will not protect its citizens when engaged in similar practices.

Senator CAPPER stated to-night that he had no expectation of obtaining action on his resolution in the present Congress, which will come to an end three weeks from to-morrow, or in the extra session, which is to convene in April. His idea in offering the measure at this time, he explained, was to allow discussion of the proposal and the forming of public opinion, so that its purpose would be thoroughly understood when Congress assembled in regular session in December, at which time he would press for its adoption.

In making public the text of his resolution, Senator CAPPER gave out a statement explanatory of his purpose.

#### WOULD "UNDERWRITE THE PEACE PACT"

In his statement of explanation Senator CAPPER said:

"The purpose of this resolution is to put the Government of the United States on record, in response to an insistent and well-nigh unanimous public demand, by taking the next step toward safeguarding international peace, following the ratification of the pact of Paris.

"This resolution renews in substance a proposal contained in my resolution of December 9, 1927, that any nation signatory to the pact of Paris which breaks its word shall not be aided directly or indirectly by our nationals in carrying on its war.

"My resolution also contemplates that our Government shall at once negotiate treaties or understandings with other signatory powers for similar action on their part.

"The moment it becomes clear that a nation which has solemnly promised to renounce war as an instrument of national policy, but which nevertheless provokes or invites a war, will not be able to buy munitions or supplies from the American people with which to carry on the war, then that war will come to a sudden end. In fact, I doubt whether it will ever be begun.

#### WOULD "UNDERWRITE THE PEACE PACT"

"In other words, I believe the adoption and effectuation of this resolution will tend to make the peace pact effective. It will in a measure underwrite the peace pact without compelling us to police the world.

"I hope and believe that public opinion will approve this resolution and that before long it will receive the overwhelming, if not unanimous, approval of both Houses of Congress. It is not expected that action will be taken at this session, but the introduction of the resolution, it is hoped, will bring about discussion and consideration which will result in action at an early date in a succeeding session.

"The full import and implications of the pact of Paris have not yet been recognized by many persons, including not a few of those who write on such subjects for periodicals.

"The peace pact, or multilateral treaty, marks a new era in international relations and international law. In this new era we must learn to think and to speak in terms of realities, not in terms of worn-out and abandoned policies which the pact of Paris openly and emphatically renounces.

"Fortunately, as our own record shows and as Sir Austen Chamberlain recently has stated in the House of Commons, there are no reserva-

tions on the part of nations signatory to the pact. It is an absolute renunciation of war as an instrument of national policy.

"Therefore it is not only logical but necessary that a nation like our own, which intends solemnly to keep its word in this respect, shall not aid any other nation that may prove faithless, either directly or indirectly.

"Let that once become known and announced to the world and any government will hesitate a long time before it violates the pact of Paris.

"The enthusiasm which greeted the conclusion of the pact of Paris, in foreign nations as well as in our own; the readiness with which arbitration treaties are being concluded between the United States and other nations; these give testimony to the strong popular support of the movement against war.

"The people and the peoples of the world want peace. They want the assurance of peace, if that is possible.

"In face of the engagements of the pact and in face of the widespread treaties of arbitration and conciliation, it would be anomalous, to say the least, for the people of the States which have bound themselves by the terms of the pact to encourage its breach by permitting the shipment of arms and munitions of war to the treaty breaker. It would be a breach of faith on the part of a signatory to encourage their nationals by contributions of goods or money, to sustain an offending nation and aid that nation in striking down the defenders of the pact.

"It is in defense of the honor of this Nation that it should not give aid and comfort to a treaty-breaking State. It is of vital interest to this Nation that it should seek to prevent the outbreak of war by warning possible treaty-breaking nations of the attitude the United States will take.

#### SEEKS TO CHECK TRAFFIC IN ARMS

"What is proposed in the new resolution is simply to carry out the spirit of the Briand-Kellogg pact, to prevent conscienceless nationals from making a profit out of aiding and abetting nations that violate the pact.

"The spirit of the pact should be borne in upon the mind of the citizens as well as that of the statesman. It should be impressed that war will not be a means of carrying on a profitable trade with the belligerent nations, a profitable trade that in the end will cost the lives of our own youth and saddle another tremendous war debt upon the surviving people of the Nation.

"Rather it should be impressed upon the consciousness of every citizen and every statesman that the effect of the pact will be to diminish or cut off that trade, so that it will no longer be in the interest of armament makers or the private traffickers in blood money to connive with a government which in defiance of its obligations lets loose upon the world the pestilence of war."

That purpose, he said, was to have the United States Government go on record in favor of refusing to aid any nation signatory to the multilateral treaty which broke its word, "directly or indirectly," by violating the covenant. In his opinion, any war undertaken by a signatory would end when that nation found it would be unable to buy war supplies from the United States. "In fact," added Senator CAPPER, "I doubt whether it will ever be begun."

#### CARRIES OUT SPIRIT OF TREATY

The outstanding feature of Senator CAPPER's statement is the explanation that his resolution "is simply to carry out the spirit of the Briand-Kellogg pact, to prevent conscienceless nationals from making a profit out of aiding and abetting nations that violate the pact."

To understand that purpose better, it is necessary to have in mind the essential provisions of the treaty renouncing war. These features are stated in the following articles:

"Article 1. The high contracting parties solemnly declare that they condemn recourse to war for the solution of international controversies and renounce it as an instrument of national policy in their relations with one another.

"Article 2. The high contracting parties agree that the settlement or solution of all disputes or conflicts, of whatever nature or whatever origin they may be, which may arise among them shall never be sought except by pacific means."

This treaty was the result of a statement made by Aristide Briand, Foreign Minister of France, on April 6, 1927, the tenth anniversary of the entrance of the United States into the World War, that "France would be willing to subscribe publicly with the United States to any mutual engagement tending to outlaw war," and proposing that the two countries agree to renounce war "as an instrument of national policy."

In the following November Senator CAPPER announced that when Congress assembled in December he would offer a resolution designed to carry out the purposes of the Briand proposal. By that time it had become clear that the Coolidge administration did not favor making with France alone a treaty renouncing war and believed any such agreement should include all nations. Senator CAPPER's resolution provided that the pact should take the multilateral form. It contained, however, a provision under which this Government would regard as "an aggressor nation" any government which violated the agreement.

TEXT OF THE CAPPER RESOLUTION TO ENFORCE WORLD PEACE  
(Special to the New York Times)

WASHINGTON, February 10.—The text of Senator CAPPER's resolution in support of the Kellogg peace pact and supplementing the international effort to outlaw war is as follows:

"Whereas the Congress of the United States on August 29, 1916, solemnly declared it 'to be the policy of the United States to adjust and settle its international disputes through mediation or arbitration to the end that war may be honorably avoided'; and

"Whereas the United States, in pursuance of this policy, has concluded with a number of countries and is negotiating with many others a treaty of arbitration and conciliation in a new form under which the parties agree to submit to arbitration all differences relating to international matters in which they are concerned by virtue of a claim of right made by one against the other and to submit to a permanent international commission for conciliation any dispute not submitted to arbitration, and has thus shown its intention to carry out on its part the policy of the United States; and

"Whereas the United States has taken a further step in advancing its policy by ratifying the multilateral treaty for the renunciation of war in which it is declared that the contracting powers are:

"Persuaded that the time has come when a frank renunciation of war as an instrument of national policy should be made, to the end that the peaceful and friendly relations now existing between their people may be perpetuated:

"Convinced that all changes in their relations with one another should be sought only by pacific means and be the result of a peaceful and orderly process, and that any signatory power which shall hereafter seek to promote its national interests by resort to war should be denied the benefits furnished by this treaty; and

"Whereas it is a breach of its obligations with the United States for any country which is a party to the multilateral treaty for the renunciation of war to have recourse to war as an instrument of national policy in its relations with any other party to the treaty; and

"Whereas the governments which have associated themselves by the treaty 'to the end that peaceful and friendly relations between their peoples be perpetuated' should not permit their nationals to encourage a breach of the obligations of the treaty by exporting to a government which has committed such breach arms, munitions, or implements of war, or other articles for the support of such government; and

"Whereas the declaration of its policy by the United States to prevent such encouragement by its nationals of a breach of the treaty would have a great effect in accomplishing the object of the treaty, that war may be honorably avoided: Now, therefore, be it

"Resolved, etc., That whenever the President determines and by proclamation declares that any country has violated the multilateral treaty for the renunciation of war, it shall be unlawful, unless otherwise provided by act of Congress or by proclamation of the President, to export to such country arms, munitions, implements of war, or other articles for use in war until the President shall by proclamation declare that such violation no longer continues.

"SEC. 2. It is declared to be the policy of the United States that the nationals of the United States should not be protected by their Government in giving aid and comfort to a nation which has committed a breach of the said treaty.

"SEC. 3. The President is hereby requested to enter into negotiations with other governments which ratify or adhere to the said treaty to secure agreement that the nationals of the contracting governments should not be protected by their governments in giving aid and comfort to a nation which has committed a breach of the said treaty.

"SEC. 4. The policy of the United States as expressed in section 2 hereof shall apply only in case of a breach of the said treaty by war against a government which has declared its adherence to a similar policy."

[From the New York Times, February 11, 1929]

EDUCATORS, CHURCH, CIVIC, AND POLITICAL LEADERS SUPPORT STRENGTHENING OF PACT

Senator CAPPER's proposal of an arms embargo against any nation violating the Kellogg pact received the indorsement yesterday of several civic and political leaders, as well as authorities on international affairs.

Some commentators qualified their opinions, however, regarding the power conferred upon the President and the general effects of the plan.

Among the expressions of opinion were the following:

"Governor Franklin D. Roosevelt: I have only heard the very interesting proposal of Senator CAPPER over the telephone and can, therefore, say nothing more on the spur of the movement than to reiterate my previous statements that the Kellogg treaties, while excellent in themselves, need additional agreements both for the elimination of war causes and for giving the treaties themselves more authority than they have now."

Dr. Nicholas Murray Butler, president of Columbia University: "Senator CAPPER's proposed new joint resolution is of very large importance and points the way to the next step to be taken by our Government, under the guidance of American public opinion, along the path to peace.

The action which it proposes is the logical consequence of the pact of Paris itself, which the Senate ratified by a practically unanimous vote on January 15 last.

"Despite the cynics and the legalists, both in Senate and out of it, who do not seem to understand in the least what has happened in the world, the pact of Paris marks the opening of a new era in international relations. It substitutes a declaration as to national policy, made on the highest moral ground, for the usual and conventional treaties and arrangements to advance the peace of the world by constantly preparing for war.

"American public opinion is in dead earnest in this matter and will hail Senator CAPPER's resolution with great enthusiasm. The resolution, in its impressive preamble, summarizes once more the established policies of the people and Government of the United States, and then simply provides that no nation which breaks its word in respect to its renunciation of war as an instrument of national policy shall be supported or aided in its war-making efforts by citizens of the United States who may be ready to provide such pledge-breaking nation with munitions and supplies for material gain.

"This joint resolution should be adopted as speedily as may be. It should be widely discussed and debated throughout the land until its meaning is clearly understood and appreciated. The President should quickly enter into negotiations with the other signatories of the pact of Paris to induce them to adopt a like policy. In other words, let no nation which has signed the pact of Paris allow its nationals to aid any other nation in breaking the moral promise and pledge of that pact.

"Recent debates in the Senate on the pact of Paris and on the so-called cruiser bill, like much that is written in the periodical press, show no realization whatever of the fact that there is no longer any such thing as neutrality in war and that the words, freedom of the seas, are an empty name of historical significance only.

"Neutrality and freedom of the seas have meaning when war is an established institution. When, however, war is renounced as an instrument of national policy, neither neutrality nor freedom of the seas has any meaning whatever.

"The hand of every pledge-keeping nation must be raised against that nation which breaks its pledges. Just so soon as this fact is understood in all its bearings, there will be no nation left so valiant or so mad as to violate the pledge which it has solemnly given in signing the pact of Paris.

"Senator CAPPER's joint resolution, introduced to the Senate in December, 1927, and its nation-wide support were then herald of the pact of Paris and led the way to its negotiation and almost unanimous ratification. Let us hope that this second CAPPER joint resolution will have an equally happy result.

"Prof. James T. Shotwell, of Columbia University: Senator CAPPER's resolution is a notable effort to solve the question of naval armaments along the only line which promises real hope, namely, a limitation upon the use of navies, which would automatically call for a limitation in their size.

"If in time of war the United States does not insist to the full upon the historic privilege of neutrals but recognizes that neutrality has acquired a moral character, now that war is no longer the free prerogative of sovereignty, then those nations which under the covenant or treaty of Locarno are obliged to maintain peace by pulling down the aggressor nation will be relieved of their greatest anxiety, which is the maintenance of America's rights to trade with the aggressor State.

"Senator CAPPER's resolution deals with one of the most real elements in the problem of national security, and it allies the United States with the forces of international law and order without involving us automatically in police measures against the violating state. It is a well-conceived and necessary policy. It has history behind it.

"The first to point out the need of the restatement of the rights of American neutrality was Mr. David Mitrany in his short but compact volume, 'The Problem of International Sanctions,' published in 1925. In that same year, at the one hundred and twenty-second annual meeting of the Massachusetts Congregational Conference a resolution was passed and forwarded to the fellow member, President Coolidge, along substantially the lines of the second clause of Senator CAPPER's resolution, although at that time there was no Kellogg-Briand treaty to which to attach it.

"For the last three years this idea has been advanced from time to time in meetings throughout the country and has never met with any serious opposition. It was left, however, for Senator CAPPER to crystallize this sentiment into a definite proposal for action by the Senate. The seriousness of the armament question may now secure for it the attention which it deserves."

FORT DOUGLAS MILITARY RESERVATION

Mr. BINGHAM. Mr. President, from the Committee on Military Affairs I report favorably without amendment the bill (H. R. 14924) to authorize the Secretary of War to grant to the city of Salt Lake, Utah, a portion of the Fort Douglas Military Reservation, Utah, for street purposes. I understand the senior Senator from Utah desires the present consideration of the bill.



Mr. SMOOT. I ask unanimous consent for the present consideration of the bill. I do not think it will lead to a moment's debate. The bill has a favorable report accompanying it from the War Department.

The VICE PRESIDENT. The Senator from Utah asks unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to grant and convey to the city of Salt Lake, a municipal corporation of the State of Utah, for street purposes, the land within the extension of Fifth South Street on the Fort Douglas Military Reservation, Utah, more particularly described as follows, to wit: Beginning at the intersection of the north line of Fifth South Street produced and the west line of Fort Douglas United States Military Reservation, said point being 391.48 feet east and 63.37 feet north of the city monument at the intersection of Thirteenth East and Fifth South Streets, thence east 1,320 feet, thence south 131.01 feet, thence west 1,320 feet, thence north 131.01 feet to place of beginning: *Provided*, That the city of Salt Lake shall construct and maintain a street thereon without expense to the United States: *And provided further*, That when said land shall cease to be used and maintained as a street it shall revert back to the United States and the instrument of conveyance shall recite such reversionary condition.

Mr. BLEASE. Mr. President, I wish to say now that I shall not object to the request of the Senator from Utah [Mr. SMOOT], but for the remainder of this session I shall object to the immediate consideration of any bill or any joint resolution that may be brought before the Senate unless preceding that a quorum call of the Senate shall be had. There are Senators here who object to certain measures. This manner of legislating may give some one who wishes to do so the opportunity of catching a certain Senator out of the Chamber and asking unanimous consent to have a measure passed.

I do not wish to be discourteous. Therefore, I give public notice that for the remainder of this session, if I shall be in the Chamber, I shall object to the consideration of any bill or any joint resolution unless first a roll call of the Senate be had.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WAGNER obtained the floor.

Mr. BINGHAM. Will the Senator from New York yield to me to submit another report?

Mr. WAGNER. I yield to the Senator from Connecticut.

#### PILGRIMAGE OF GOLD STAR MOTHERS

Mr. BINGHAM. Mr. President, from the Committee on Military Affairs I report favorably and with amendments the bill (S. 5332) to enable the mothers and unmarried widows of the deceased soldiers, sailors, and marines of the American forces interred in the cemeteries of Europe to make a pilgrimage to these cemeteries. It is the so-called Gold Star Mothers' bill. I had intended to ask unanimous consent for its immediate consideration, but in view of the statement just made by the Senator from South Carolina [Mr. BLEASE], and of the fact that I do not desire to take the Senator from New York [Mr. WAGNER] off his feet for a roll call, I shall not do so. I, however, give notice that I shall call the bill up at the first available opportunity.

The VICE PRESIDENT. The bill will be placed on the calendar.

#### MOUNT RUSHMORE NATIONAL MEMORIAL COMMISSION

Mr. FESS. Mr. President, I submit a conference report, to which I call the attention of the Senator from South Dakota [Mr. NORBECK].

The VICE PRESIDENT. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3848) creating the Mount Rushmore National Memorial Commission and defining its purposes and powers having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, and agree to the same.

Amendment numbered 1: That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same with an amendment as follows: Page 2, line 3, insert in lieu of the matter stricken out by the House amendment the following: "*Provided*, That the secretary may be paid such salary for his services as may be determined by the

commission. The commission is also authorized to pay such actual and necessary expenses as the secretary may incur in the performance of his duties. Such salary and expenses shall be paid by the treasurer of the commission upon the order of the secretary thereof and then only when approved and countersigned by the chairman of the executive committee"; and the House agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows: Page 3, line 5, strike out all of the last sentence of the said House amendment; and the House agree to the same.

SIMEON D. FESS,

F. H. GILLET,

KENNETH MCKELLAR,

*Managers on the part of the Senate.*

ROBERT LUCE,

JOSEPH L. HOOPER,

A. L. BULWINKLE,

*Managers on the part of the House.*

Mr. NORBECK. Mr. President, I rise to move that the Senate agree to the conference report on Senate bill 3848, an act creating the Rushmore National Memorial Commission, and defining its powers and duties.

Again we have listened to the reading of Washington's Farewell Address, which gives new inspiration to meet every national problem and combat every difficulty. I believe it especially fitting in connection with this anniversary to state, Mr. President, that to-day there is being carved on the sides of Mount Rushmore, in the Black Hills of South Dakota, the loftiest elevation of solid granite between the Rocky Mountains and the Atlantic seaboard, a colossal memorial statue of the first President of the Republic. The completed plan comprises a heroic group of our Nation's builders, to commemorate the founding, expansion, preservation, and unification of the United States, in the form of statues of Washington, Jefferson, Lincoln, and Roosevelt, carved on a scale several times greater than that wonder of the ancient world, the Great Sphinx of Egypt, together with a vast entablature 80 feet wide and 120 feet high, bearing deeply incised in imperishable stone the story of our country written by Calvin Coolidge.

The design is by the well-known artist, Gutzon Borglum. It is believed this will be one of the great works of art of this continent.

Rushmore Mountain, a prominent peak of the Harney Range, is a huge granite upthrust of excellent texture, having a sheer precipice of more than 300 feet, below which the mountain gradually slopes. Each figure of the memorial group scales to the proportion of men 465 feet high, fading into the ledge at the waist line, the tops of the heads being upon the sky line. All are in the round.

This mountain is in the heart of a rugged, strikingly scenic, and beautiful mountain range rising to a height of over 7,000 feet. The work was begun and the mountain dedicated to the memorial by President Coolidge, with suitable ceremonies, on August 10, 1927. Considerable progress has since been made on the Washington statue, which it is expected can be completed this summer.

The bill provides that one-half the cost of the entire work shall be borne by the United States. It carries an authorization for the appropriation of not exceeding \$250,000 for this purpose. No part of the appropriation shall be expended, except to match funds received from other sources by the commission, or already expended by its predecessor. The entire undertaking will be under the control of a commission of 12 members to be appointed by the President of the United States. Proper safeguards to the Government are provided. The commission is to make annual report to Congress. The memorial will be open to the public at all times without admission charge.

The association has already secured from popular subscription in cash \$53,000 and donations of machinery and equipment to the value of \$17,500, or a total of \$70,500.

The friends and promoters of the undertaking, I am pleased to say, have met a splendid response on the part of the public and they believe that the raising of the balance required by subscription will not be long delayed.

South Dakota has undertaken the construction of a highway to the memorial wholly for tourists and pleasure traffic, without any commercial implication whatever. This road is in process of construction and will cost approximately \$200,000; \$65,000 has already been expended upon said highway.

The following is the dedicatory address of President Coolidge delivered at Mount Rushmore on August 10, 1927:

## PRESIDENT COOLIDGE'S ADDRESS

We have come here to dedicate a corner stone that was laid by the hand of the Almighty. On this towering wall of Rushmore, in the heart of the Black Hills, is to be inscribed a memorial which will represent some of the outstanding events of American history by portraying with suitable inscription the features of four of our Presidents, laid on by the hand of a great artist in sculpture. This memorial will crown the height of land between the Rocky Mountains and the Atlantic seaboard, where coming generations may view it for all time.

It is but natural that such a design should begin with George Washington, for with him begins that which is truly characteristic of America. He represents our independence, our Constitution, our liberty. He formed the highest aspirations that were entertained by any people into the permanent institutions of our Government. He stands as the foremost disciple of ordered liberty, a statesman with an inspired vision who is not outranked by any mortal greatness.

Next to him will come Thomas Jefferson, whose wisdom insured that the government which Washington had formed should be intrusted to the administration of the people. He emphasized the element of self-government which had been enshrined in American institutions, in such a way as to demonstrate that it was practical and would be permanent. In him, likewise, was embodied the spirit of expansion. Recognizing the destiny of his country, he added to its territory. By removing the possibility of any powerful opposition from another neighboring State, he gave new guarantees to the rule of the people.

After our country had been established, enlarged from sea to sea and dedicated to popular government, the next great task was to demonstrate the permanency of our Union and to extend the principles of freedom to all the inhabitants of our land. The master of this supreme accomplishment was Abraham Lincoln. Above all other national figures, he holds the love of his fellow countrymen. The work which Washington and Jefferson began, he extended to its logical conclusion.

That the principles for which these three men stood might be still more firmly established, destiny raised up Theodore Roosevelt. To political freedom he strove to add economic freedom. By building the Panama Canal he brought into closer relationship the east and west and realized the vision that inspired Columbus in his search for a new passage to the Orient.

The union of these four Presidents carved on the face of the everlasting hills of South Dakota will constitute a distinctly national monument. It will be decidedly American in its conception, in its magnitude, in its meaning, and altogether worthy of our country. No one can look upon it understandingly without realizing it is a picture of hope fulfilled.

Its location will be significant. Here in the heart of the continent, on the side of a mountain which probably no white man had ever beheld in the days of Washington, in territory which was acquired by the action of Jefferson, which remained an almost unbroken wilderness beyond the days of Lincoln, which was especially beloved by Roosevelt, the people of the future will see history and art combined to portray the spirit of patriotism. They will know that the figure of these Presidents has been placed here because by following the truth they built for territory. The fundamental principles which they represented have been wrought into the very being of our country. They are steadfast as these ancient hills.

Other people have marveled at the growth and strength of America. They have wondered how a few weak and discordant colonies were able to win their independence from one of the greatest powers of the world. They have been amazed at our genius for self-government. They have been unable to comprehend how the shock of a great civil war did not destroy our Union. They do not understand the economic progress of our people. It is true that we have had the advantage of great natural resources, but these have not been exclusively ours. Others have been equally fortunate in that direction.

The progress of America has been due to the spirit of its people. It is in no small degree due to that spirit that we have been able to produce such great leaders. If coming generations are to maintain a like spirit, it will be because they continue to study the lives and times of the great men who have been the leaders in our history, and continue to support the principles which those men represented. It is for that purpose that we erect memorials. We can not hold our admiration for the historic figures which we shall see here without growing stronger in our determination to perpetuate the institutions which their lives revealed and established.

The fact that this enterprise is being begun in one of our new States not yet great in population, not largely developed in its resources, discloses that the old American spirit still goes where our people go, still dominates their lives, still inspires them to deeds of devotion and sacrifice. It is but another illustration of the determination of our people to use their material resources to minister to their spiritual life. This memorial will be another national shrine to which future generations will repair to declare their continuing allegiance to independence, to self-government, to freedom, and to economic justice.

It is an inspiring phase of American life that men are willing to devote their energies to the erection of a memorial of this nature. Money spent for such a purpose is certain of adequate returns in the nature of increased public welfare.

The people of South Dakota are taking the lead in the preparation of this memorial out of their meager resources because the American spirit is strong among them. Their effort and courage entitles them to the sympathy and support of private beneficence and the National Government. They realize fully that they have no means of succeeding in the development of their State except a reliance upon American institutions. They do not fail to appreciate their value. There is no power that can stay the progress of such a people. They are predestined to success. Our country is fortunate in having the advantage of their citizenship. They have been pioneers in the development of their State. They will continue to be pioneers in the defense and development of American institutions.

In conclusion, Mr. President, permit me to say that this anniversary of the birthday of George Washington is very significant to the people of South Dakota. It was just 40 years ago to-day that the so-called enabling act was approved admitting South Dakota to the Union.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

## SINKING OF STEAMER "VESTRIS"

Mr. WAGNER. Mr. President, 100 precious days have passed since the whole American Nation was shocked to its very depths by the tragic loss of life which accompanied the foundering of the *Vestris*. One hundred and ten lives were lost. The lives of all of the children on board were snuffed out like so many candles in a blizzard. What cause did these unfortunate ones serve by their death? To what ideal were they sacrificed? Can we or their families derive the meager consolation that those who died laid down their lives to increase the portion of human happiness?

Two investigations have already been had. Both loudly testify to the shameful fact that innocent men, women and children have been sacrificed to greed and incompetence. Reading that sorry tale of downright stupidity, incompetence, and reckless disregard of the most elementary rules of seamanship and safety, I can not avoid expressing the fear that if that condition prevails even to a limited degree, then the sea is not safe.

We know that the science of shipbuilding and the art of seamanship can make the ship lanes of the ocean safer than our city streets. The question naturally occurs to me just as it has occurred to millions of others in the United States: Has the Congress done all that it could and all that it should to make the sea safe? We have no right to assume that what happened on the *Vestris* is not the result of causes permeating the whole ship business. The Congress has no right to rely on the guess that the *Vestris* is the exception. Let us hope that investigation will prove that to be the case; but an investigation there must be, for there is an abundance of evidence that all is not well on board ship.

Immediately upon convening of Congress in December I submitted Senate Resolution 272. It was the first resolution offered in Congress for an investigation not only of the *Vestris* but of all the conditions that make for safety on the seas.

I ask unanimous consent that the resolution introduced by me and to which I have referred may be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER (Mr. KING in the chair). Without objection, it is so ordered.

The resolution (S. Res. 272) submitted by Mr. WAGNER on December 5, 1928, is as follows:

Whereas on November 12, 1928, the steamship *Vestris*, outbound from the port of New York, foundered at sea with the loss of many lives; and Whereas it is imperative that life and property be accorded the utmost attainable degree of safety from the perils of the sea: Therefore be it

Resolved, That a special select committee of five Senators, to be appointed by the President of the Senate, is authorized and directed (1) to collect, collate, coordinate, and make available to the Senate the results of the inquiry into the loss of the steamship *Vestris* conducted before Commissioner Francis A. O'Neill, of the United States District Court for the Southern District of New York, and the inquiry conducted by the Secretary of Commerce through the Steamboat Inspection Service of the Department of Commerce, (2) to make such further investigations of the sinking of the steamship *Vestris* and the rescue operations carried on in connection therewith as the committee shall deem advisable and necessary for the purposes of this resolution, (3) to investigate the adequacy of the present legal standards of safety of ship construction and operation, (4) to investigate the adequacy and efficiency of the Steamboat Inspection Service, (5) to investigate whether the laws governing liability for loss of life and property at sea, the laws and usages of salvage, and the laws, usages, and practices of the business of marine insurance tend to encourage the installation and utilization of devices and practices conducive to safety, and (6) to make a preliminary report of the results of its investigations as soon as practicable, to make fur-



ther reports from time to time but at least once during each regular session of the Senate until it has completed its investigations, and to submit a final report to the Senate together with its recommendations for necessary legislation. The President of the Senate shall appoint members to fill any vacancies that may occur in the committee.

For the purposes of this resolution such committee or any duly authorized subcommittee thereof is authorized to hold hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventieth and succeeding Congresses until the final report is submitted, to employ such counsel, experts, and clerical, stenographic, and other assistants, to require by subpoena, or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of such committee, which shall not exceed \$50,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

Mr. WAGNER. Mr. President, when that resolution was submitted the Senator from Florida [Mr. FLETCHER], who was very much interested in the matter, did me the honor to withhold a resolution he had prepared because he felt the subject was adequately covered in my resolution. He expressed himself on that occasion very emphatically in favor of an investigation. In the House of Representatives, too, one or more resolutions calling for investigations were submitted. What heartened me particularly was to see the Senator from Washington [Mr. JONES] introduce a similar resolution. I read in his act an implied promise that these resolutions would receive the consideration of the committee in whose charge they are to-day so peacefully slumbering.

What has happened to chill the enthusiasm of the chairman of the Commerce Committee? Have the events of the last 100 days demonstrated that such an investigation is no longer necessary? Have the reports of the two official bodies that have looked into the *Vestris* disaster made superfluous any further investigation of the problem of safety at sea?

Mr. President, the reports of these two inquiries expressly recommend a congressional investigation along the lines outlined in my resolution. The Seventieth Congress is about to expire. It will not have done its duty by the American people if it permits these resolutions to go unconsidered. The valuable interval between the Seventieth Congress and the Seventy-first Congress should be put to use. The investigation which is proposed can not be completed in a day or a month. No time should be lost in getting started.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. WAGNER. I yield.

Mr. WALSH of Massachusetts. Before what committee is the resolution pending?

Mr. WAGNER. Before the Committee on Commerce, where it has been referred to a subcommittee.

Mr. WALSH of Massachusetts. Is it not possible under the rules of the Senate for a committee such as the Committee on Commerce to make an investigation of such a subject without action by the whole Senate?

Mr. WAGNER. I do not know, but absolutely no action at all has been taken, and that is my complaint.

Mr. WALSH of Massachusetts. It is my impression that the rules of the Senate permit a committee which is dealing with a subject such as commerce, and which may have to recommend legislation upon it, has authority to make an investigation into a matter of this kind independent of action by the Senate as a whole. I appreciate that there is much more latitude given to the committee if they have the specific authority of the Senate for a particular investigation, and I assume that the resolution asks for a wider investigation than any committee could make, even if so disposed.

Mr. WAGNER. My complaint, I repeat, is that nothing has been done.

Mr. President, I shall try as briefly as I can to establish a prima facie case in favor of the investigation which I propose.

On the 10th day of November, 1928, the steamship *Vestris* sailed from the port of New York bound for South America. It was a vessel of about 17,000 tons displacement, built in Belfast, Ireland, in 1912, operated by the Lamport & Holt Line, and flew the British flag.

On this particular voyage, according to the report of Commissioner O'Neill, it carried 129 passengers and 209 members of the crew. According to Mr. D. N. Hoover, it carried 127 passengers and 198 members of the crew. Precisely what happened between the time that the boat left its berth in New York Harbor and the moment of the final tragedy is still largely a mystery. On Monday, November 15, at 9.58 in the

morning, when the ship was in a hopelessly sinking condition, lying on its beam's end, an S O S signal was sent. At 2.15 p. m. on that day, about 300 miles east of Cape Henry, the vessel sank. In the ensuing rescue operations 77 per cent of the crew were saved, but only 46 per cent of the passengers survived. There were 21 children on board. Not one came through the ordeal alive. Twenty of the 27 women on board perished.

Two inquiries were at once instituted. One was conducted before United States Commissioner Francis A. O'Neill by the United States attorney for the southern district of New York, with the assistance of two experts representing the British and American Governments: Capt. Henry McConkey, marine superintendent of the Cunard Line, representing the British Government; and Capt. E. P. Jessop, formerly a captain in the United States Navy, and marine superintendent of the Panama Canal, representing the American Government.

The other investigation was conducted by Mr. Dickerson N. Hoover, supervising inspector general of the Steamboat Inspection Service, a division of the Department of Commerce.

Commissioner O'Neill's report is marked by judicial restraint. Mr. Hoover's report is too obviously an apologetic coat of whitewash. Both compel the conclusion that the *Vestris* was ill prepared to serve as a human carrier upon the high seas.

After reading these reports I am convinced that if the truth were known not a single passenger would have embarked upon that disastrous voyage. Imagine each passenger before embarking receiving a notice in the following language:

#### TAKE NOTICE

1. We know nothing about the stability of this ship.
2. We have lifeboats on board, but we do not know whether they leak or not; they have not been tested.
3. The boats have not been lowered in a loaded condition; hence we do not know whether they will hold up in an emergency.
4. We have life preservers on board, but they comply with neither the British nor the American rules. You use them at your own risk.
5. We know very little about the officers of the ship, and we warn you that the crew is unfamiliar with the handling of lifeboats.
6. The ship is a negative ship. A little wind and free surface water in its tanks will cause it to list.
7. Should an accident occur, we pay you nothing; we collect insurance only for ourselves.

Underneath that is a special notice from the Steamboat Inspection Service of the Department of Commerce reading:

A better inspection could not be had because it would conflict with the President's program of economy.

DICKERSON N. HOOVER.

How many would have sailed if we had told them this unvarnished truth? Why did we not tell them the truth?

The glaring incompetence of those in charge of this ill-fated ship is reflected in almost every act of the tragedy. Think of the incomprehensible delay in sending an S O S until the vessel was about to be abandoned. Consider the stupidity of the attempt to lower boats from the high side of a vessel lying almost on its beam's end. Mr. Hoover concludes that hereafter we must insist on competent officers. Why hereafter? Why not heretofore?

Mr. Hoover's report is, and apparently was, intended to be a whitewash of the Steamboat Inspection Service. He excuses the failure to lower the boats loaded to capacity and minimizes the offense of the untruthful entry. He talks a great deal about life preservers, but he fails to state why the *Vestris* was permitted to leave port without complying with either the British or the American rules governing life preservers. He describes the ship as a negative ship which, with the aid of a little wind and some free surface water within its tanks, would acquire a permanent list. He does not explain why, if that condition is a dangerous one, American citizens were permitted to sail.

I am reminded of Captain Jessop's remark in a letter addressed to the senior Senator from Florida [Mr. FLETCHER]:

You will excuse, I am sure, my writing to you on this subject, but having just been through the terrible experience of finding out that ships could be sent to sea so ill-prepared as this vessel was I feel rather strongly on the subject.

Captain Jessop, you will recall, was the American expert adviser in the *Vestris* inquiry.

I ask to have printed in the RECORD a log of the vessel as constructed by a newspaper writer on the basis of the evidence offered in these two hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit A.)

Mr. WAGNER. I come now to the recommendations made by both Commissioner O'Neill and Mr. Hoover as a result of their investigations. I shall ask to have them set out in full.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibits B and C.)

Mr. WAGNER. More specifically I desire to call attention to several of these recommendations.

Mr. Hoover calls particular attention to the need for greater competence on the part of officers and crew. He recommends that ship hulls should be inspected in blue print before their construction in the same manner that building plans must be approved in advance of construction, and the installation of wireless on all ships.

Commissioner O'Neill emphasizes the amazing gap in our law, or at least in the regulations of the Department of Commerce, which grants an immunity from inspection of safety devices to foreign-flag vessels which ply between American ports and foreign ports other than their home ports.

Commissioner O'Neill further says:

A full study should be made, either by Congress or the approaching International Conference on Safety of Life at Sea, of the ancient rules of admiralty law as to salvage and limitation of liability on the part of owners. \* \* \* At the same time a full study should be made of the possibility of more humane legislation for the protection of the seamen in the crew.

Mr. Hoover likewise recommends a reexamination of the laws respecting salvage and limitation of liability:

In all this tragedy there is an important factor that does not appear upon the printed page, and that is the matter of salvage, a question concerning which this service has no control or jurisdiction but one that is vitally wrapped up in the matter of safety of ships. \* \* \*

Another that might well receive attention is that of liability. We speak of limitation of liability, so far as ships are concerned, as something that must necessarily exist, but when we do so we forget that the conditions under which such doctrines of admiralty have grown up have completely changed.

An opinion which I know will have great weight with the Members of the Senate is that expressed by Captain Jessop, who represented the United States Government at the hearing conducted before Commissioner O'Neill.

In a letter addressed to the senior Senator from Florida [Mr. FLETCHER], which appeared in the CONGRESSIONAL RECORD of January 3, Captain Jessop points out a number of weaknesses in the inspection of the *Vestris* before she left on her fatal voyage, and then he says:

I was informed yesterday of what I consider a very great discrepancy in our laws. I was informed that even though our Steamboat Inspection Service were to find a foreign vessel unseaworthy on inspection, it is very questionable whether the customhouse could refuse clearance papers to her. That certainly is a point which should be looked into.

There are many other points with regard to our method of inspecting and clearing vessels which will bear investigation.

I believe I do not go too far when I say that the really important result of the several inquiries which have already been had is the unanimous conclusion that there must be an investigation coextensive in scope with the whole subject matter of safety at sea and all its ramifications of ship design, of inspection, of limited liability, of salvage, and of insurance. That is precisely what my resolution directs. Now, after the tragedy has happened, after lives have been lost beyond recall, we are told of the stupidity of a department of the Government in making provision by regulation which practically exempts ships like the *Vestris* from the rules and regulations of any country covering life-saving devices.

It is a widely held opinion that there was no warrant in law for this discriminatory regulation. There is certainly no provision in the law compelling the exemption of foreign vessels from lifeboat inspection. But even if the law did make such a regulation necessary, the department was inexcusably at fault for failing to call for and insist upon congressional correction. Much is said in the Inspector General's report of the shortage of inspectors adequately to make certain that the ships that leave our ports carrying our citizens were sound and seaworthy and fit to serve as human carriers. What possible circumstance could excuse such misdirected parsimony? Was that another example of the stifling, grudging, unintelligible, and unintelligent Coolidge economy?

The American traveling public is led to believe that the Government inspects the vessels leaving our ports. It intrusts its safety to the thoroughness of those inspections. Now we are told by none other than the Inspector General himself that that trust was misplaced; that he has not enough men to make proper inspections. That is not the kind of economy that the

American people want. The economy which the public demands is that which gives them 100 cents of value for every dollar spent by the Public Treasury. It has no use for the Coolidge economy which, for the sake of the political effect of a reduction in the Budget, jeopardizes the lives of American citizens.

The resolution singled out certain specified subjects for special investigation:

Salvage, marine insurance, the law of limited liability, and ship-construction standards. The two official inquiries have expressly confirmed the need for further investigations along these lines.

#### SALVAGE

A great deal has been said upon the relationship of the law of salvage to the question of safety at sea. It is commented on in the reports of the inquiries into the *Vestris* in attempting to discover why the captain of that ill-starred vessel failed to signal distress when his ship was obviously in trouble. The explanation has been offered that he hesitated to incur the expense of salvage to which any rescuing vessel would be entitled. To the contrary, it has been stated that the cost of salvage is always insured against, so that the matter is rather immaterial to the owners of the vessel.

Attention has not been called to the fact, as far as I know, that even though salvage be covered by insurance, the captain of the vessel would hesitate to call for assistance for fear that he might be frowned upon by the underwriters. Rumor has it that the frown of an underwriter is very oppressive and may interfere very decisively with the employment of a ship's officer. You might, of course, say that rumor is too thin and too uncertain a basis upon which to embark on an investigation. My only answer is that this matter is of such importance that we can leave no stone unturned in an attempt to afford our passengers and shippers the security of the utmost measure of safety.

#### INSURANCE

The same basis exists for an investigation by Congress of insurance practices to see to what extent they are conducive to safety. If it is true that underwriters blacklist captains who place the welfare of their passengers ahead of the value of the insurance, that is a matter which is very conducive not to safety but to recklessness.

I have also been advised that the shipowner does not secure from the underwriters a reduction in premium to compensate him in a measure for the installation of safety devices. It is well known, of course, that in the business of fire insurance, for instance, attractive reductions in premium are made upon the installation of sprinkler systems or other safety measures.

If no such concessions are made by marine underwriters, that is a condition which is not conducive to the installation of safety devices. The business of marine insurance and the practices of that business are so intimately interwoven with the marine business that to investigate the one and to omit the other would leave the Senate in the dark with respect to a very powerful set of factors making or obstructing safety at sea.

#### LIMITATION OF LIABILITY

The *Vestris* disaster has flooded with publicity the well-established principle of limited liability. It was condemned as an injustice to the injured passengers and to the families of those who died. Freedom from liability to passengers and shippers was described as destroying the strongest possible motive for safety on the seas. In response to the popular demand that something be done, a bill has been introduced in the House of Representatives which aims to destroy the whole system of limited liability. This course has received the commendation of the Steamboat Inspection Service of the Department of Commerce. I do not know whether there is merit in the suggestion or not; but I submit, Mr. President, that we have not the information upon which to form a sound judgment. Not only for the sake of the general public but for the good of the shipping industry in particular, we need the investigation as a protection against hasty and poorly considered legislation.

The law of limited liability as applied in the Federal courts permits the owner of a vessel to reduce his obligation to claimants for damage sustained without his privity and knowledge to an amount not exceeding the value of his interest in the vessel at the end of the voyage and her then pending freight.

Apply this principle to a case like the *Vestris*, and it follows that the owners need pay to all claimants a sum not in excess of the value of the vessel, which is nothing, and such freight money as she has earned on the voyage. It is obvious that if the rule applies to this case there will be very little, if anything, to distribute.

We find this principle of admiralty first enforced by the maritime states on the Mediterranean. It is reasserted in the Hanseatic ordinance of 1644. In 1681 it was adopted in France, and thereby it became a principle of the civil law. The English



first adopted it in modified form in 1734. Its first appearance in the United States was as an act of the State of Massachusetts in 1818, followed by similar legislation in Maine in 1821. It did not become part of the Federal law until 1851. Three years prior thereto the United States Supreme Court decided the famous case commonly referred to as *The Lexington*.

The steamship *Lexington* ran regularly between New York and Providence. In the course of a voyage it burned and nearly all on board were lost. An action was brought for the recovery of some \$18,000 worth of specie carried by the vessel and lost in this disaster. The United States Supreme Court held that the liability of the owners of the ship was that of common carriers and further held that an agreement whereby the owners of the ship were exempted from liability was inoperative in view of the negligence of the crew and those in charge of the vessel. That decision created a widespread demand amongst shipping interests for Federal legislation limiting liability of shipowners, and in 1851 such legislation was finally enacted, constituting Revised Statutes 4281-4289.

These statutes have since their enactment been construed by the United States Supreme Court dozens of times and by the district courts and circuit courts hundreds of times.

The Supreme Court has steadily expressed the conviction that the law should be liberally interpreted in order to give the shipowners the fullest benefit of its provisions. In a series of important decisions, each of which is also a memorial of a great marine tragedy, the Supreme Court has rejected every effort to restrict the meaning of the poorly drawn limited liability statutes.

The first of these cases was decided in 1871. (*Norwich Co. v. Wright*, 80 U. S. 104.) It held the law applicable to collisions.

In 1881 (*The Scotland*, 105 U. S. 24) the benefit of the law was extended to foreign shipowners.

In 1883 (*Providence & New York Steamship Co. v. Hill Manufacturing Co.*, 109 U. S. 578) the law of limitation was made applicable to a fire started through the negligence of the owners.

In 1886 (*the City of Norwich*, 118 U. S. 468) the court held that the claimants could have no recourse to the insurance moneys collected by the owners of the ship that was lost. The court also refused to give the claimants the benefit of the value of the vessel after it was raised from the bottom of the sea.

In 1889 (*Butler v. Boston & Savannah Steamship Co.*, 130 U. S. 527) the court held this statute applied to personal injury and death as well as loss of personal property.

In 1914 (*the Titanic*, 233 U. S. 718) the rule that foreign shipowners could take advantage of the statute was confirmed and extended.

The purpose of this law was to encourage investment in merchant marine and to place American shipowners on a parity with foreign competitors. I forbear to discuss the question as to whether the first purpose of the law has been achieved. We know the dismal figures too well. We are all familiar with the gradual disappearance of the American flag from the merchant vessels of the sea. But let us see if at least the second purpose has been accomplished.

The *Titanic* was a British vessel. It applied for limitation of liability in the Federal court. Under the American rule barely \$90,000 was made available for distribution among all the claimants. Had the *Titanic* been an American vessel, which had applied for limitation in the British court, its owners would have had to pay not \$90,000 but 750,000 pounds sterling, or three and one-half million dollars—forty times as much. Is that parity?

The *Vestris* is a British vessel. It has applied for limitation in a Federal court. I am advised that the amount available to the claimants will not exceed \$40,000. Had it gone to a British court for relief, the owners of the vessel would have been compelled to pay 180,000 pounds sterling—twenty-two times as much. Is that equality?

The law has apparently failed in its two major purposes. Obviously it has not encouraged safety. If we look upon any law of this sort as an experiment designed to accomplish a stated object, it is very plain that the law needs revision. But I submit, Mr. President, that sound revision can only be accomplished through investigation.

The simple suggestion that because the law has not worked well it should be entirely scrapped is mischievous, for the reason that it takes no account of the fact that we do want to encourage our merchant marine, that we do want reasonable equality with our competitors, and that the whole trend of modern enterprise is to limit liability. Every corporation is a device to limit liability. A change must be had; but the alternative is not the total elimination of all limitation, if for no other reason than that it could not be accomplished. The

organization of single ship companies would give the owners practically the identical protection.

Shall we increase the amount of liability along the lines of the British statute?

Shall we change the rule of privity and knowledge so as to make limitation available in fewer instances?

Shall we expand the concept of "owner" for the same purpose?

Shall we grant total exemption from liability in exchange for insurance for the benefit of passengers?

These are a few of the possible alternatives that an investigating committee would weigh and measure. We can not pass upon these questions upon the basis of information presently available. We ought not to take the responsibility to act without the fullest study, for what we do or leave undone concerns not only the lives and property of millions of persons but affects a business that has grown tremendously in value.

In 1926 there were carried by water in the United States 478,000,000 passengers. There has been a steady increase since 1924 of the number of passengers who have arrived at American ports. In 1925 there were 797,000; in 1926, 866,000; in 1927, 916,000. There has likewise been a steady increase of the number of persons departing from American ports:

1924	494,000
1925	549,000
1926	600,000
1927	623,000

Of the figures given for 1927, 59,000 were children and 261,000 were females. The same steady increase in travel by Americans is shown by the reports of the Department of State in applications for passports.

In 1922-23 the number of passports issued was 124,844. In—

1923-24	139,106
1924-25	168,395
1925-26	174,537
1926-27	181,261
1927-28	188,236

For 1928 one steamship company alone, the Cunard Line, reported that 273,174 persons traveled on its ships. How long will this steadily rising stream of traffic continue if the American traveling public for one moment loses confidence in the safety of the vessels or the adequacy of our inspection? That travel, both commercial and tourist, on the part of Americans I regard as most important, and I believe that Congress should exert every effort to see that that habit now formed by the American people should not be discouraged.

The question of safety at sea concerns not only our passenger traffic but also the carriage of our goods. That business, too, has been steadily increasing. The water-borne commerce of the United States grew from \$14,000,000,000 in 1921 to \$26,000,000,000 in 1926 and throughout that period showed a steady annual increase.

I ask that several tables be printed in the Record, showing, among other things, the number of lives lost and the tonnage destroyed both on American and foreign vessels.

The PRESIDING OFFICER (Mr. ASHURST in the chair). Is there objection? The Chair hears none, and it is so ordered.

(See Exhibits D, E, F, G, and H.)

#### INSPECTION SERVICE

Mr. WAGNER. Mr. President, that the Steamboat Inspection Service should be investigated is plain enough. The report of the Inspector General is the most convincing proof of that. If it is true, as he says, that we have not enough men to make effective inspection; that the law with respect to foreign vessels is uncertain; that inspection in our crowded ports is difficult and often impossible; that there ought to be hull inspection in the blue print before construction as well as after construction; and that there ought to be a radio installed on every seagoing vessel, a Senate committee should be apprised of all of these facts. The whole question of the adequate preparation of men in charge of the vessels is involved. We ought not to treat these matters piecemeal. We ought not to be called upon to act on various proposals without knowing whether they will throw the whole system out of kilter. The marine business is a very delicately adjusted business. It depends for its success upon a great many psychological elements. Any attempt to legislate along the thousand and one individual suggestions that have been made would so disturb the industry and make the traveling public so uneasy that we will have undone much of our work in upbuilding a merchant marine. To my mind, the only effective way at getting at this job is to do it in a large and comprehensive way so that there may be presented to the Senate a complete study and recommendations based upon a knowledge not of some of the facts but of all of the facts, so that the legislation enacted may be productive of good.

The great majority of shipowners are men who know their ships and love them. Their standards of safety, personnel, and operation are beyond reproach. As a rule they do much more than satisfy the minimum requirements of the law. These men are entitled to a ship inspection upon which they can rely. They are entitled to the restoration of public confidence in the shipping industry.

Mr. President, I come from a State and city whose welfare is intimately bound up with marine business. You may be assured that I do not want to injure that business. I desire to do all that I can to conserve and expand it. An investigation, I am convinced, will not harm it. What may destroy it is the growth of a conviction on the part of persons who travel that the Government and ship companies have no regard for their safety. That will desiccate the stream of traffic as surely as the Sahara sun dries up the desert dew. Investigate and legislate to make the sea safe and water-borne traffic will grow to heretofore unknown proportions. That is why I plead, Mr. President, for the consideration of the pending resolution.

#### EXHIBIT A

[From the New York Telegram, Tuesday, December 4, 1928]

"VESTRIS" INQUIRY LEAVES DISASTER UNEXPLAINED—TESTIMONY INDICATING BUNGLING BY CREW HEARD, BUT ACTUAL CAUSE OF SINKING, CAUSING LOSS OF 111 LIVES, REMAINS A MYSTERY

By Talcott Powell, New York Telegram staff writer

WEDNESDAY, NOVEMBER 7—AT THE PIER

Forenoon: United States Steamboat Inspector Keane formally reported he had lowered lifeboats of *Vestris* into water as a test, although actually he had not done so for fear of delaying the loading of the vessel at the pier.

SATURDAY, NOVEMBER 10—LEAVING NEW YORK

Head Waiter Thomas Connor noticed slight list when *Vestris* sailed. He said the vessel always had it.

SUNDAY, NOVEMBER 11—AT SEA

5.09 a. m.: *Vestris* radioed Lampert & Holt ship *Voltaire*, "I have nothing to communicate."

6 a. m.: Frederick Puppe, John Santone, and Walter Spitz, passengers, noticed list. Puppe could get no oatmeal cooked for his baby. An officer told him the cargo had shifted and would be straightened in an hour.

8 a. m.: Gilbert Ford, chief fireman, discovered water entering through ash ejector. Three feet of water on stokehold plates. His effort to fix the ejector failed because of rusty screws.

9 a. m.: Chief Engineer Adams was informed of leaking ejector. Twenty tons of water were in the boiler room bilge. Chief Officer Johnson heard water running under starboard bunker and noted a slight list.

10 a. m.: Lavatory drain broke, letting 15 tons of water into engine-room bilge.

12 noon: Ship listing so that passengers had to hold dinner plates in their hands. Ejector and drain repaired. Ship hove to. Water began running from starboard bunker after a port working door had sprung, letting in the sea. A mysterious leak, which was never found, started in the starboard bunker.

6 p. m.: No regular supper. Dining room and stateroom portholes leaking around gaskets. Starboard working door shipping water badly. Report among members of the crew that starboard coal port was leaking.

7.30 p. m.: The *Vestris* lurched violently to starboard, flinging baggage and furniture about when several tons of cargo shifted 15 feet, smashing bulkhead in No. 1 hold. The vessel never recovered.

10 p. m.: Starboard working door leaking worse. Six feet of water in the alleyway. Stewards' quarters flooded four feet deep, with more water pouring in around deadlights.

12 midnight: Third Officer Welland investigated leaking starboard half door.

MONDAY, NOVEMBER 12—AT SEA OFF THE VIRGINIA CAPES

2 a. m.: Puppe, awakened by hungry baby, noticed greatly increased list and silent engines.

2.30 a. m.: Steam shut off in the kitchens. List 25 degrees.

3 a. m.: Stewards put to ball in alleyway by starboard working door.

4 a. m.: Starboard boiler flooded. Captain Carey conferred in engine room with Chief Engineer Adams, who assured him pumps were holding water. Carey ordered No. 2 starboard ballast tank emptied. Nos. 4 and 5 had already been blown. Ship failed to right herself. Chief Officer Johnson reported to skipper situation was "pretty serious." Third Officer Welland took command of bucket brigade in alleyway.

4.30 a. m.: More men ordered to ball.

4.56 a. m.: *Vestris* radioed *Voltaire*, "Have nothing to report."

6 a. m.: No breakfast and no fresh water. Four-foot geyser rising in kitchen floor at every roll of ship. Third Officer Welland reported to Captain Carey, "Situation is serious." One passenger saw crew begin jettisoning cargo.

7 a. m.: Bucket brigade began to quit without orders. Pantry flooded and water entering upward through the garbage chute. After galley door burst under weight of water and flooded lazarette.

8 a. m.: More of the bucket brigade straggled away. One noticed bunker hatches had been battened with new canvas during the night. List increasing momentarily.

9 a. m.: Chief officer took charge of cargo jettisoning. Remnant of bucket brigade quit as water gained. Women and children of the third class ordered to first-class deck. List so bad passengers barely able to get to smoking room for shelter.

9.10 a. m.: *Vestris* sent general radio call: "We are heeling over and may need assistance."

9.30 a. m.: Engines entirely shut down to conserve steam for pumps.

9.58 a. m.: S O S, followed by: "We are heeling over to the starboard side and need immediate assistance."

10.02 a. m.: Freighter *Giorgio Ohlsen* gave her position as 35 miles from sinking ship.

10.08 a. m.: *Vestris* informed powerful shore station at Tuckerton, N. J., of her position, later found to have been incorrect by 37 miles.

10.30 a. m.: Engineers reported that the black gang mutinied and went on deck. Officers began to stoke two remaining boilers. Firemen admitted going on deck, but denied mutiny, saying they only abandoned work when situation was hopeless. S O S repeated, followed by: "Urgent help needed." Futile attempts to launch lifeboats Nos. 4 and 6, loaded with women and children, begun. *Vestris* radioed *Voltaire*: "Please rush at full speed to our aid immediately."

10.40 a. m.: *Vestris* radioed Japanese freighter *Ohio Maru*, "Come immediately, all possible speed." *Ohio Maru*, 135 miles away, replied: "On way now."

10.50 a. m.: White Star liner *Cedric*, 180 miles away, offered aid.

10.52 a. m.: *Vestris* radioed Lampert & Holt, her agents: "Last night developed 32-degree list to starboard. Impossible to proceed anywhere. Sea moderately rough."

10.56 a. m.: *Vestris* to *Cedric*: "We do not need your assistance." Then to Tuckerton: "We are getting worse. Decks all under water. Ship lying on beam ends. Impossible to proceed."

11 a. m.: Chief Engineer Adams to Captain Carey: "I can keep her afloat as long as I have steam for the pumps." Another general radio call: "Oh, please come to our assistance." On the boat deck launching tackle broke and jammed. Passengers said they heard no orders given except one, by a steward, telling a passenger to don a life belt. There was no panic. Another passenger saw a negro wrest a pistol from an officer and throw it overboard. The *Vestris* radioed her position to the *Giorgio Ohlsen*.

11.11 a. m.: *Vestris* to Tuckerton: "May have to take to boats any minute."

11.15 a. m.: Waiters ordered to help with boats.

11.30 a. m.: Bunker bulkhead sprang an enormous leak over starboard boiler. Engine-room deck plates buckled and water spewed upward. Tons of sea entered vessel. The *Giorgio Ohlsen* radioed compass bearings to *Vestris*.

11.35 a. m.: *Vestris* gave *Cedric* her last compass bearings.

12 noon: "Still a chance of saving the ship," said Chief Officer Johnson. The destroyer *Davis* reports making 20 knots; *American Shipper* 15 knots.

12.15 p. m.: The *Santa Barbara* informed the *Vestris*: "Expect to reach you at 7 p. m. Speed 17 knots."

12.30 p. m.: *Vestris* radioed: "We will soon have to abandon ship."

12.37 p. m.: *Santa Barbara* to *Vestris*: "Have direction finder on you. Coming along fine. Good luck."

12.42 p. m.: *Vestris* to Tuckerton: "Power cut off. Am going to use coil (emergency set). Please listen for same." Tuckerton: "O. K."

1.07 p. m.: Battleship *Wyoming* to *Vestris*: "Will arrive 9 p. m."

1.17 p. m.: *Vestris*: "Can't wait any longer. Going to abandon."

1.22 p. m.: *Vestris*, very faintly: "Now taking to lifeboats. So long, WSC" (Tuckerton's call letters). "SK" (international signal meaning "I am signing off").

1.30 p. m.: Captain refused life belt. Crew taking to starboard boats. Boats Nos. 4 and 6 still stuck on side of ship.

2.30 p. m.: The *Vestris* foundered.

#### ADDENDA

7.30 p. m.: *American Shipper* arrived in general vicinity.

10.30 p. m.: Arrived at position given by *Vestris*.

11.02 p. m.: *Ohio Maru* reported arrival and failure to find lifeboats.

TUESDAY, NOVEMBER 13

3.40 a. m.: *American Shipper* sighted red flare from lifeboat.

4.05 a. m.: *American Shipper* picked up first lifeboat.

4.30 a. m.: *American Shipper* lookout heard cries and found lifeboat No. 1 with searchlight.

4.48 a. m.: French tanker *Myriam* picked up lifeboat.

6.30 a. m.: Daybreak on to 11.11 a. m. the *American Shipper*, the *Berlin*, the *Myriam*, and the battleship *Wyoming* made the remaining rescues.

11.11 a. m.: The *Berlin* picked Carl Schmidt out of the water. This was the last rescue.



## EXHIBIT B

[From report by Commissioner F. A. O'Neill]

## RECOMMENDATIONS

The chief usefulness of this investigation lies in the constructive results which may be drawn from the lessons of the disaster as now disclosed. Accordingly, as such constructive results, I recommend the following:

(1) The present practice whereby foreign steam vessels carrying passengers from our ports to ports other than home ports of the country to which they belong, are treated as immune from the requirements of law as to lifeboats and life preservers, should be abolished. It is plainly contrary to public policy and common sense that the *Vestris* should not have been fully under our regulations because she carried a British flag, and was not examined under the British Board of Trade rules because she did not touch at British ports. Such a practice invites disaster.

(2) All vessels subject to our requirements of law as to life preservers should be required immediately to procure life preservers in accordance with the requirements in force since 1919, the purpose of which requirements is to insure a design which will keep an exhausted person's head above water. The present practice of passing life preservers not in accordance with those requirements on the plea that they were purchased prior to 1919 opens the door to subterfuge and, as shown by the experience of the *Vestris*, endangers life.

(3) The Steamboat Inspection Service should inaugurate a method of testing lifeboats for watertightness in cases, where due to the loading of the vessel or for other reasons, the lifeboats can not be lowered into the water.

(4) All ocean-going steamers and motor ships, both freighters and passenger carriers, should be required to install wireless with competent wireless operators capable of maintaining continuous watch. Had such requirements been in force, the *Montoso* could have been along side of the *Vestris* long before the latter sank.

(5) Regulations should be made requiring that all sea connections and piping thereto be located where they may be capable of inspection at sea, and repaired.

(6) Regulations should be made requiring owners to furnish full and accurate stability data for all vessels using United States ports as bases for passenger traffic; and these data be kept up to date. Without such data clearance papers should not be issued.

(7) The law governing limitation of liability in case of marine disaster should be amended so that owners may not have the benefit of such limitation where they have not taken reasonable means to examine and determine the competency of the principal officers of the vessel.

(8) The agencies both here and abroad under whose authority examinations of officers and the issuing of licenses to such officers come, should study their method of examination for licenses for the purpose of injecting into those examinations larger means of determining the executive ability of the applicant.

(9) Present life-saving apparatus should be supplemented by requirements for rafts of approved construction.

(10) With the aid of competent technical advisers investigation should be conducted into improved designs of lifeboats, improved devices for launching lifeboats, and improved designs for life preservers and other buoyant material.

(11) There should be created in the Steamboat Inspection Service a technical staff empowered to pass upon the design of all commercial vessels, with respect particularly to construction materials, stability, bulkheads, pumps, and other factors making for stability and buoyancy.

(12) The rules and practice should be so changed as to require the thorough inspection of all openings in the shell plating of the ship, such as cargo ports, coal ports, scuppers, and discharge pipes of all kinds.

(13) A full study should be made, either by Congress or the approaching international conference on safety of life at sea, of the ancient rules of admiralty law as to salvage and limitation of liability on the part of the owners. These rules came into being before the construction of modern rapidly moving ships, and before the wireless enabled vessels at sea to communicate instantly with each other and with the owners on shore. Obviously, the amount of salvage which can be claimed by a rescuing ship may cause the captain of the vessel in distress to delay too long the sending of an appeal for help. So, likewise, the ancient fiction of law whereby the ship itself is treated as solely responsible for any disaster which overtakes it, is, under modern conditions of travel, grossly unjust to passengers and their dependents; and it puts a premium on slackness and penuriousness on the part of owners in keeping vessels in seaworthy condition and equipped with all modern, scientific devices for insuring stability, buoyancy, and safety.

(14) At the same time a full study should be made of the possibility of more humane legislation for the protection of the seamen in the crew. The principle of compulsory workmen's compensation in hazardous employments has become embodied in the statutes of many States. The members of the crew of a sea-going vessel are certainly engaged

in a hazardous employment; and, since because of lack of official position, they have no control over the management of the vessel, they are exposed to the hazards not only of the sea but also of the ability of their officers. In the event of disaster, they and their families have at present no effective redress or compensation whatever.

I request the United States attorney to cause this report, the reports of the two captains, and the testimony taken in the case to be forwarded to the chairman of the respective committees of the Senate and the House of Representatives of the United States having jurisdiction over the framing of applicable legislation.

Dated, New York, December 19, 1928.

FRANCIS A. O'NEILL,  
United States Commissioner.

## EXHIBIT C

[From report by D. N. Hoover]

## LESSONS TO BE LEARNED FROM THE DISASTER

The thing that stands out most prominently in this disaster and the lesson first to be learned is that we must hereafter stress men more than things. In this modern age we are prone to direct our efforts as far as possible toward the invention of mechanical devices that will make things safer, and this is true not only on ships but also on shore. As a result of it, I fear that we have come to unconsciously become the slaves of these things that we have invented to help us, forgetting that no matter how excellent a device there may be, there must be competent men to handle it, and this competency in men must be stressed at sea more than in any other place.

Without desiring to unnecessarily reflect upon the officers of the *Vestris* it must be apparent to anyone with an open mind and approaching this disaster in a detached manner that the officers of this ship do not seem to measure up to the standard that we would expect to be present in a British ship. We must have in mind, therefore, so far as the Steamboat Inspection Service is concerned, that first of all we must insist upon competent officers. We undertake to do this by requiring certain experience of all ships' officers before license may be obtained, and, in addition, we undertake by written examinations to determine whether these officers are properly prepared to have issued to them licenses by the United States Government. In this British ship the Steamboat Inspection Service had no control over these ship's officers, but we are concerned as Americans in being sure that the officers of American ships shall be equal to such an emergency as confronted the officers of the steamer *Vestris*. In this connection I may state that during the last 10 years marked improvement has been made in raising the standard of examination questions used by the local inspectors. This has been done by advice of the office of the Supervising Inspector General, and at present that office is engaged in the preparation of difficult questions of high standard.

It is manifest that the members of the crew of the *Vestris* were not well trained in lifeboat drill. In this country, so far as the issuance of certificates to lifeboat men is concerned, those certificates are issued as a result of an actual practical examination of the applicant. So far as the issuance of able seamen certificates is concerned, those certificates are issued upon statements of experience that are made in affidavit form by the persons desiring to be able seamen. I do not argue that there should be no experience required for able seamen, but I do submit that in addition to the experience that is required there should be an actual practical examination of able seamen conducted by inspectors of this service. It has been alleged that there has been much fraud in the handling of these able-seamen certificates, and beyond doubt that is true, but that is not due to the service. It is due to the law, for where there is a law that requires the issuance of a certificate as important as an able-seaman certificate, the issuance of that certificate based entirely upon a statement of experience, it is easy to see that fraud can easily be practiced by the applicant. The office of the Supervising Inspector General contains correspondence showing the efforts that have been made to apprehend these offenders, but the surest way to prevent this and to improve the standard would be by actual examination by the inspectors.

In connection with the loss of the *Vestris*, where it is evident that it was not possible to get all of the lifeboats clear of the ship, it is easy to see that those persons who believe in the increasing use of rafts would advance the argument that there should be more rafts supplied. In that connection, permit me to say that so far as the use of boats is concerned I would not be in favor of changing the rule of boats for all, but so far as the use of additional buoyant apparatus is concerned I may state that the British have in their suggestions for the international conference that is to be held in London next spring included the use of additional buoyancy to the extent of 25 per cent of the people on board in addition to the lifeboats that are carried.

That suggestion by the British has been favorably met by the American committee that is preparing for the international conference, and it may be that as a result of the loss of the *Vestris* that percentage might be raised. This additional buoyancy would not be in the form of the catamaran rafts usually used in this country, but of an entirely different form of raft buoyancy, the purpose of such buoyancy being to

take care of persons temporarily as best may be under probable conditions similar to those that were present in the case of the loss of the *Vestris*.

Encourage manufacturers in the lifeboat art to develop improved devices for launching lifeboats, particularly from vessels which are listed over.

I have referred in another part of this report to the suggestion of the commanding officer of the battleship *Wyoming* in regard to life preservers, and only take time at this place to again state that this is a matter that will be considered by the Board of Supervising Inspectors at its next annual meeting.

With regard to the inspection of lifeboats, I have pointed out in detail how lifeboats are inspected and the manner in which wooden lifeboats may be expected to act when first put into the water, but the question may well be asked as to whether granting that wooden lifeboats do take up in places where they leak, whether they take up sufficiently rapidly to be a safe boat, and my thought in that respect is that in the inspections that are hereafter made of wooden lifeboats, the test might be made with water in the boats. The water could be used as the weight required, and it could be also required that it remain in the boats for a certain length of time, and if at the end of that time the boats were not tight and they still leaked, then those lifeboats could be rejected.

Also in connection with the inspection of foreign ships and of the life-saving equipment of these ships in particular, and I refer now to those foreign ships that are not examined under reciprocal agreements, it might be well to increase the number of inspections; that is to say, have three reinspections during the year, as well as the annual inspection that is now required. At present in the case of ferry steamers and excursion steamers three reinspections are required in addition to the annual inspection that is required by law. It is of course to be understood that if this be done it will be necessary to have more inspectors.

Again, in connection with the inspection of lifeboats, the inspectors have been up against the condition, especially in the crowded port of New York, of not being able to lower all of the lifeboats. They have lowered to the extent they were able. It would be very desirable to work out a plan by which all of these boats could be lowered and yet not at the same time unnecessarily interfere with the sailings of the ships.

While as a matter merely of the use of words it might be stressed that regardless of what the physical conditions are, time should be taken to lower the boats, yet it soon would be found if this were insisted upon under all conditions without any consideration of the conditions existing in some of the ports, the inspectors would very soon be accused of being reactionary, unprogressive, and undertaking to add burdens to the American merchant marine. Increasingly, however, it is evident that in the matter of the lifeboat drills, the service must insist upon more than a mere entry in the log, and these drills must increasingly be held frequently under the personal direction of the inspectors of this service. To do that requires more inspectors.

I have referred to the criticism made of the releasing hooks in use on the *Vestris*, and in that connection I may state that during the past year there has been a careful study made of releasing hooks, the matter to be considered at the next meeting of the board of supervising inspectors. In that connection a letter under the date of April 10, 1928, reading as follows, was sent to each supervising inspector:

"You will recall the correspondence that was before the board of supervising inspectors at its recent session in connection with allegations made that there were lifeboat-releasing gears that had been approved by the board of supervising inspectors that were inefficient for the purpose intended, and concerning which allegations this office is making an investigation. Although the allegations have been made, and apparently in good faith, up to the present time this office has received nothing to substantiate them, and therefore, in order that we may proceed further, it will be necessary to conduct an investigation with reference to all releasing gears in use.

"In view of the above, you will issue the necessary instructions to the boards of local inspectors in your district making annual inspections of passenger vessels to make a careful test of all lifeboat-releasing gears found on such vessels, with a view to ascertaining whether or not they are efficient and fulfill the requirements of the law. In case they are found defective in their operation, they should ascertain whether or not such defective operation can be corrected by adjustment of their working parts. This procedure should be followed until we have ascertained fully the kind of releasing gears on all passenger vessels coming under the jurisdiction of this service.

"You will also instruct them to, on November 15, 1928, submit to you a detailed report in triplicate, setting forth by trade names all gears found, showing the manufacturer by name and address and year of manufacture of gear, the vessels using such gears to be alphabetically arranged under the different kinds of gears, showing date of inspection and whether gear operated satisfactorily or otherwise, and if not satisfactorily, to what extent it failed in the test. In a word, to give a report that will show exactly the kinds of gears installed, those that

functioned satisfactorily and more especially gears that failed, to the end that you may forward that report to the bureau in duplicate by not later than December 1, so that the bureau may consider the information obtained and be in a position to submit it to the board of supervising inspectors, with a view to determining just what policy shall be pursued in the testing of gears that have failed, in the elimination of gears that have been approved but which have not been manufactured, etc., all with a view to purging the list of releasing gears approved for use on vessels coming under the jurisdiction of this service, so that the claim can not be made that we are permitting the use of inefficient and antiquated releasing gears."

Undoubtedly as a result of those letters the board of supervising inspectors will undertake to test out again all the gear that has been approved during the years that have passed.

The question that must be uppermost in the minds of all men who are familiar with ships, so far as concerns the steamer *Vestris*, is that of stability. The whole thing revolves primarily about this question. So far as inclining ships is concerned, it may be pointed out that the United States Steamboat Inspection Service, as an arm of the United States Government, is the first organization of its kind in the world, and for a number of years, to have undertaken the inclining of merchant ships. Only recently has the British Government given attention to this matter, and I know of no other maritime nation that gives attention to it as a governmental function. Stability tests were first required by the general rules and regulations of the board of supervising inspectors after the capsizing of the steamer *Eastland* in the Chicago River. I may also state that while the subject of stability was not included among those subjects to be discussed at the international conference in London next spring, Admiral Rock, chairman of the ship-construction committee of the special American committees that are preparing for this conference, made the motion and I seconded it, to have stability added to the agenda to be discussed at that conference. In this connection the question may be asked as to why this matter of stability has not received governmental attention from other nations the same as ours. It may also be asked as to why a standard has not been adopted in the premises, and in that respect I may say that so far as stability is concerned doctors disagree. There is a school of naval architects that believes in one thing in regard to stability and another school that believes in another, and the difficulty has been to get a point of departure that would be a standard that could be subscribed to by the maritime nations.

So far as the work in this country is concerned, I may point out that only recently and after much research has a special committee of the American Marine Standards Committee arrived at a tentative standard with reference to stability, and that proposed standard is now being prepared to be sent not only to leading interests in this country but to the leading nations of the world. So far as the stability work of the Steamboat Inspection Service as it relates to American vessels is concerned, that is a positive thing that has been going forward for a number of years, but so far as the application of those rules to foreign ships is concerned, there immediately arises international questions that must be given consideration. If it be argued that these reciprocal agreements that our Government has entered into with foreign nations should be denounced and we should undertake to inspect foreign ships in all respects the same as American ships, then I answer that the intolerable conditions that arose as the result of that procedure are the very conditions that brought about the reciprocity that exists between leading nations, and in which reciprocity American ships have as much to gain as foreign ships. It seems to me that so far as foreign ships are concerned, that the way to meet this situation is not necessarily by radical action but by proper discussion in conference between the best minds of the leading maritime nations of the world.

The proper way to approach this whole matter of hull inspection is through the front door and not through the back. In the case of boiler inspection we require that the design of a boiler shall first be passed upon by the service, the material subject to tensile strain which is used in the construction of the boiler is tested by an inspector of the service, and finally annually the completed boiler is given a thorough internal and external examination and submitted to hydrostatic pressure. Is it not reasonable to also hold that in approaching this proposition of hull inspection we should start before the hull is built as well as after the hull is built? But what we really do is to permit a ship to be built, subject her to a stability test, and then calculate as to whether the ship has proper stability.

We would not do this in the case of the construction of a building on land; such procedure would be considered absurd. It would not be considered reasonable to permit a man to build a building worth several millions of dollars, and then calmly tell him that that building was not safe. What is done is that the building inspectors pass upon those buildings before they are constructed, and if that reasonable action is used in regard to the construction of structures on land, why is it not just as reasonable and just as logical to follow the same procedure in regard to the construction of ships? Why should we use logical methods of approaching a situation on land and then, because



we have to deal with ships, undertake to throw aside all logic and follow the methods of past generations? If reference be made to the report of the Supervising Inspector General for the fiscal year ended June 30, 1915, it will be noted that the idea which the bureau then had in mind was to create in the office of the Supervising Inspector General a corps of experts whose business it would be to approve proposed hull construction. Again, if reference be made to the report of the Supervising Inspector General for the fiscal year ended June 30, 1927, it will be noted on pages 1, 2, and 3 a suggestion was made by that officer with reference to a reorganization in such manner as to provide a technical staff.

Another lesson to be learned from the loss of the *Vestris* is that wireless should be required on all ships navigating the ocean or the coasts. Had such a law been in effect, it is probable that everybody on board the *Vestris* might have been saved, because there was a ship within as near as 45 miles of the *Vestris*, but not equipped with wireless, that could have gone to her assistance.

It would seem that all openings through the shell plating of ships, such as cargo ports, coal ports, scuppers, discharge pipes of all kinds, including ash ejectors and sea cocks and their chests, should have special attention at each annual inspection, and as far as practically possible access should be had to them at any time, whether in port, at sea, loaded or light, and scuppers from any deck below a weather deck should lead to the bilges, where the water could be handled by pumps.

In new construction it may be well to require centrifugal pumps of large capacity installed to pump out of the fire and engine room bilges, or have bilge connections installed from the circulating pump or pumps to bilges as above.

In all of this tragedy there is an important factor that does not appear upon the printed page, and that is the matter of salvage, a question concerning which this service has no control or jurisdiction, but one that is vitally wrapped up in the matter of safety of ships. Captain Carey is gone. No man is able to say what his mental processes were in his hour of trial, but any man who is familiar with the law of the sea knows that he, Captain Carey, or any other shipmaster, would very carefully consider the sending of an S O S that would result in the salvaging of his ship, should it not be absolutely necessary to send out that call. There is a human thing here that must not be overlooked, and that is the professional pride of the master of the ship. Could he be sure that the ship could be saved by his own efforts, he would make every effort to do so before asking for help, and he did make every effort that he could. If the amount of salvage that could be claimed by vessels responding to such a call was reduced, the master of a ship in distress would not hesitate too long before asking for help.

If it be claimed that if salvage is reduced masters of other ships would not respond as promptly as they should, I answer that in this day of wireless communication, when the positions of ships are so well known, it would be easy to place the responsibility upon a shipmaster who refused to respond, and who, refusing, should have visited upon him the severest penalty. Of course, the matter of what salvage shall be paid is something that very properly could be determined by an international conference, at which would be present representatives of the leading maritime nations.

Another thing that might well receive attention is that of liability. We speak of limitation of liability so far as ships are concerned as something that necessarily must exist, but when we do so we forget that the conditions under which such doctrines of admiralty have grown up have completely changed. In this modern day, when ships can be and are so largely directed from home offices, it might be well to give attention to the proposition of unlimited liability upon this kind of property. The point is that increasingly the effort is made in governmental affairs to take all responsibility, and, so far as the Steamboat Inspection Service is concerned, it must be remembered that it is not a service that operates ships. By giving attention to this matter of unlimited liability there would be a responsibility placed more squarely upon the owners, and they would not be prone to look so much to the responsibility of the Government. If it be contended that to impose such a law upon American shipowners would be to penalize them, and it would, then that also is a question that would have to be adjusted in a proper international conference.

#### ACKNOWLEDGMENTS

I desire before closing this report to give credit to and thank the Hon. Walter F. Brown, Assistant Secretary of Commerce; the Hon. E. F. Morgan, Solicitor of the Department of Commerce, who by their advice were of inestimable value to me in conducting this investigation; to Rear Admiral J. G. Tawressey; to Mr. Earl B. Hull, traveling inspector of this service, who gave and is giving particular attention to matters of stability of the *Vestris*; to Mr. J. L. Crone, supervising inspector of the second district; to Burlingham, Veeder, Masten & Fearey, counsel for the Lamport & Holt Line, who produced officers and crew without the use of subpoena; to Mr. Harry Wheeler, marine superintendent of the Lamport & Holt Line, who cooperated in every way possible in furnishing me with data; and last, but not least, to the clerks in the New York office who acted as reporters of the testimony.

I submit herewith the testimony taken at this investigation and copies of the books, Forms 991 A and B, F, of the inspectors who inspected the *Vestris*.

I have the honor to be, very respectfully,

DICKERSON N. HOOVER,  
Supervising Inspector General.

#### EXHIBIT D

##### No. 456.—Marine wrecks and casualties occurring to vessels of the United States: By regions

[Note.—It appears that prior to 1915 the figures include disasters to foreign vessels on and near the coasts of the United States, reports of which were received in isolated instances. Casualties to vessels of the United States in Panama Canal Zone were as follows: 1927, tonnage, 60,223; property involved, \$4,972,833; property lost, \$61,800; persons on board, 903; lives lost, 5. 1926, tonnage, 23,271; property involved, \$3,815,221; property lost, \$81,500; persons on board, 154. These and corresponding figures for previous years are not included in the recapitulation or elsewhere]

Year ended June 30—	Number of vessels	Wrecks involving total loss	Casualties involving partial and unknown damage	Vessels totally lost	Vessels damaged	Losses to vessels	Losses to cargoes	Passengers	Crews	Lives lost
TOTAL										
1910	1,493	365	1,128	135,305	2,000,997	11,058,840	2,565,580	15,464	22,640	403
1911	1,227	294	933	101,365	1,475,688	9,565,995	1,694,630	22,484	21,668	262
1912	1,447	328	1,119	113,920	1,546,391	8,213,375	1,941,010	15,972	24,310	195
1913	1,265	274	991	91,188	1,663,623	8,338,935	1,549,285	21,101	23,077	283
1914	1,210	293	917	173,069	1,518,930	11,437,330	2,509,405	14,533	22,199	421
1915	1,088	289	799	151,968	1,276,125	10,199,560	4,013,083	12,857	20,220	277
1916	1,140	317	823	135,233	1,714,434	12,671,040	3,668,995	14,080	20,653	1,364
1917	1,072	324	748	197,119	1,523,307	33,708,710	12,479,600	8,233	21,418	490
1918	976	380	596	248,520	1,090,956	57,728,110	22,557,940	6,911	16,207	398
1919	738	303	435	163,168	1,016,590	38,129,080	12,698,145	5,722	14,289	452
1920	1,074	285	789	214,531	2,088,534	34,955,480	17,612,455	14,499	26,100	551
1921	777	222	555	122,397	1,434,888	28,662,730	6,269,295	7,081	16,005	206
1922	907	277	630	131,027	1,762,412	18,727,614	3,975,714	8,989	19,065	227
1923	980	273	707	117,099	1,941,349	17,202,806	3,710,959	14,144	21,198	116
1924	945	237	708	96,474	1,917,058	14,201,211	3,802,792	8,861	20,255	202
1925	980	255	725	96,225	1,985,884	15,177,361	4,113,565	11,958	22,771	196
1926	982	254	728	93,539	2,015,068	15,596,857	4,324,475	12,331	21,970	236
1927	1,233	300	933	118,337	2,787,707	18,704,083	5,314,693	10,493	27,635	222
ATLANTIC, GULF, AND PACIFIC COASTS OF THE UNITED STATES										
1921	375	110	265	39,418	476,433	10,505,725	1,553,055	5,418	6,641	77
1922	515	171	344	78,552	732,679	9,200,909	1,500,663	4,289	9,355	148
1923	559	161	398	66,089	815,236	9,527,801	1,976,572	8,722	10,179	77
1924	564	143	421	56,133	982,448	7,010,156	1,062,101	4,259	11,020	94
1925	577	157	420	51,907	1,001,113	8,057,586	2,781,413	7,290	12,343	93
1926	584	163	421	59,143	1,017,968	10,364,020	2,055,263	8,244	12,236	145
1927	685	175	510	62,502	1,303,448	10,239,557	1,626,694	5,629	13,602	125

## EXHIBIT D—Continued

No. 456.—Marine wrecks and casualties occurring to vessels of the United States: By regions—Continued

Year ended June 30—	Number of vessels	Wrecks involving total loss	Casualties involving partial and unknown damage	Vessels totally lost	Vessels damaged	Losses to vessels	Losses to cargoes	Passengers	Crews	Lives lost
GREAT LAKES										
1921	144	16	128	13,296	525,821	1,694,280	134,025	574	3,798	44
1922	120	19	101	9,529	432,357	1,816,098	95,000	407	2,335	16
1923	154	33	121	17,125	512,081	2,855,072	379,492	3,300	8,733	9
1924	72	15	57	5,425	185,881	902,300	232,444	1,441	1,569	16
1925	67	15	52	11,065	126,822	2,200,255	117,990	1,734	1,496	39
1926	91	18	73	4,177	215,938	1,365,509	119,937	1,513	1,792	17
1927	129	20	100	17,328	409,264	2,823,077	197,216	927	3,286	5
RIVERS OF THE UNITED STATES										
1921	95	35	60	7,749	96,969	2,652,005	91,915	537	1,428	11
1922	114	47	67	5,621	135,670	1,190,650	98,820	1,082	1,524	6
1923	130	45	85	5,542	145,792	1,408,423	154,245	238	1,757	9
1924	147	51	96	8,601	163,907	1,584,210	62,861	1,251	1,993	13
1925	171	49	122	5,635	256,885	2,237,372	235,432	991	2,704	21
1926	157	49	108	3,581	259,822	1,542,037	33,325	1,422	2,573	8
1927	204	68	136	7,285	314,305	1,994,354	158,095	1,152	3,217	24
AT SEA AND ON THE COASTS OF FOREIGN COUNTRIES										
1921	163	61	102	61,934	335,665	13,810,720	4,490,300	552	4,138	74
1922	158	40	118	37,325	461,706	6,519,157	2,291,231	3,211	5,851	57
1923	137	34	108	28,343	468,240	3,411,510	1,200,650	1,884	5,529	21
1924	162	28	134	26,315	584,522	4,704,545	1,845,386	1,910	5,673	79
1925	165	34	131	27,618	601,064	2,702,148	978,730	1,943	6,228	43
1926	160	24	126	26,638	521,340	2,325,291	2,115,950	1,152	5,069	66
1927	215	37	178	31,222	760,690	3,647,045	3,332,688	2,785	7,530	68

Source: Reports of the U. S. Coast Guard, Treasury Department.

## EXHIBIT E

No. 12.—Showing the number and gross tonnage of steamers and motorships of 100 tons gross and upward, totally lost (including war losses), and broken up during the years 1903 to 1926 distinguishing the principal maritime countries, and indicating the percentage loss of the tonnage owned by the various countries

Year	Lost or broken up <sup>1</sup>	Great Britain and Ireland			British Dominions			America <sup>2</sup> (United States)			Denmark			France			Germany			Greece			Holland		
		Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent
1915	Lost	544	1,092,924	5.68	25	33,727	2.11	19	39,730	1.54	17	32,208	4.01	46	113,011	5.92	32	74,880	1.69	14	27,653	3.10	25	41,393	2.76
	Broken up	9	9,853	—	4	814	—	—	—	—	1	544	—	2	6,992	—	—	—	—	—	—	—	—	—	—
	Total	553	1,102,777	—	29	34,541	—	19	39,730	—	18	32,752	—	48	120,003	—	32	74,880	—	14	27,653	—	25	41,393	—
1916	Lost	571	1,411,429	7.50	30	31,396	1.92	27	57,255	2.01	45	60,531	7.59	57	148,051	8.00	25	39,506	1.02	38	91,645	12.78	32	72,347	4.87
	Broken up	1	427	—	3	1,166	—	—	—	—	—	—	1	523	—	—	—	—	—	—	—	—	—	—	—
	Total	572	1,411,856	—	33	32,562	—	27	57,255	—	45	60,531	—	58	148,574	—	25	39,506	—	38	91,645	—	32	72,347	—
1917 <sup>3</sup>	Lost	1,384	4,093,717	—	49	71,262	—	60	166,630	—	81	109,949	—	144	355,007	—	24	19,750	—	89	241,546	—	49	84,331	—
	Broken up	2	300	—	2	577	—	—	—	—	1	546	—	—	—	—	—	—	—	—	—	—	—	—	—
	Total	1,386	4,094,017	—	51	71,839	—	60	166,630	—	82	110,495	—	144	355,007	—	24	19,750	—	89	241,546	—	49	84,331	—
1918 <sup>3</sup>	Lost	661	1,974,182	—	46	97,812	—	90	308,742	—	2	131,960	—	92	186,083	—	18	13,249	—	20	54,386	—	16	9,791	—
	Broken up	2	1,558	—	1	128	—	—	—	—	—	—	1	176	—	—	—	—	—	—	—	—	—	—	—
	Total	663	1,975,740	—	47	97,940	—	90	308,742	—	21	131,960	—	93	186,259	—	18	13,249	—	20	54,386	—	16	9,791	—
1919	Lost	84	140,941	0.86	34	35,168	1.89	54	114,752	0.96	4	2,243	0.36	22	32,250	1.64	47	19,152	0.59	6	7,426	2.55	24	11,936	0.76
	Broken up	1	244	—	4	1,646	—	—	—	—	—	—	2	7,294	—	—	—	—	—	—	—	—	1	274	—
	Total	85	141,185	—	38	36,814	—	54	114,752	—	4	2,243	—	24	39,544	—	47	19,152	—	6	7,426	—	25	12,210	—
1920	Lost	86	123,861	.68	26	16,574	.89	45	112,040	.90	6	2,163	.30	25	50,874	1.72	17	9,061	2.16	26	31,915	6.42	12	3,736	.21
	Broken up	6	5,722	—	5	1,818	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
	Total	92	129,583	—	31	18,392	—	45	112,040	—	6	2,163	—	25	50,874	—	17	9,061	—	26	31,915	—	12	3,736	—
1921	Lost	65	65,718	.34	35	42,332	1.87	22	60,392	.45	8	5,536	.63	21	27,899	.85	12	7,005	1.07	26	52,363	8.92	2	602	.03
	Broken up	13	43,237	—	9	13,422	—	4	8,920	—	—	—	3	4,212	—	—	1	1,827	—	—	—	—	1	2,061	—
	Total	78	108,955	—	44	55,754	—	26	69,312	—	8	5,536	—	24	32,111	—	13	8,832	—	26	52,363	—	3	2,663	—
1922	Lost	77	119,297	.62	15	11,897	.47	24	54,842	.40	4	6,773	.70	23	23,770	.67	27	24,380	1.37	5	7,136	1.09	6	5,037	.19
	Broken up	41	120,347	—	20	30,173	—	14	37,630	—	4	944	—	22	53,674	—	4	6,949	—	1	1,353	—	4	5,903	—
	Total	118	239,644	—	35	42,070	—	38	92,472	—	8	7,717	—	45	77,444	—	31	31,329	—	6	8,489	—	10	10,940	—
1923	Lost	84	138,744	.73	17	17,836	.69	28	65,939	.49	5	6,966	.74	20	12,936	.37	29	35,710	1.42	4	9,941	1.33	5	10,817	.41
	Broken up	73	184,207	—	13	30,701	—	—	—	—	6	7,408	—	—	4	5,227	—	—	—	—	—	—	7	10,812	—
	Total	157	322,951	—	30	48,537	—	153	126,700	—	11	14,374	—	44	180,414	—	33	40,937	—	4	9,941	—	12	21,629	—

Footnotes at end of table.



## EXHIBIT E—Continued

No. 12.—Showing the number and gross tonnage of steamers and motorships of 100 tons gross and upward, totally lost (including war losses), and broken up during the years 1903 to 1926 distinguishing the principal maritime countries, and indicating the percentage lost of the tonnage owned by the various countries—Continued

Year	Lost or broken up <sup>1</sup>	Great Britain and Ireland			British Dominions			America <sup>2</sup> (United States)			Denmark			France			Germany			Greece			Holland		
		Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent
1924	Lost .....	67	108,077	0.57	31	26,518	1.02	26	42,445	0.34	7	12,248	1.24	13	23,906	0.73	20	15,542	0.54	3	9,625	1.27	1	801	0.03
	Broken up .....	116	254,089	.....	29	55,732	.....	145	488,865	.....	7	10,844	.....	57	111,610	.....	14	27,366	.....	2	3,058	.....	7	15,892	.....
	Total .....	183	362,166	.....	60	82,250	.....	171	531,310	.....	14	23,092	.....	70	135,518	.....	34	42,908	.....	5	12,683	.....	8	16,693	.....
1925	Lost .....	54	61,778	.32	25	15,574	.60	11	27,416	.23	4	1,842	.18	16	12,949	.39	23	18,370	.61	11	21,477	2.40	5	14,431	.56
	Broken up .....	79	198,637	.....	28	48,458	.....	22	56,453	.....	1	295	.....	26	84,001	.....	10	37,537	.....	3	18,205	.....	2	6,038	.....
	Total .....	133	260,415	.....	53	64,032	.....	33	83,869	.....	5	2,137	.....	42	96,950	.....	33	55,907	.....	14	39,682	.....	7	20,469	.....
1926	Lost .....	55	111,780	.58	31	29,680	1.10	20	39,547	.35	3	771	.07	13	26,981	.81	21	24,512	.80	9	16,034	1.74	6	9,991	.39
	Broken up .....	67	151,894	.....	36	42,994	.....	146	403,944	.....	4	2,698	.....	22	37,024	.....	7	8,667	.....	1	1,476	.....	2	4,477	.....
	Total .....	122	263,674	.....	67	72,674	.....	166	443,491	.....	7	3,469	.....	35	64,005	.....	28	33,179	.....	10	17,510	.....	8	14,468	.....

Year	Lost or broken up <sup>1</sup>	Italy			Japan			Norway			Spain			Sweden			Other countries		World		
		Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Per cent	Number	Tons	Number	Tons	Per cent
1915	Lost .....	20	53,930	3.56	20	43,041	2.36	81	116,501	5.89	13	26,871	3.03	37	62,359	6.10	75	109,158	968	1,867,386	4.29
	Broken up .....	1	1,214	.....	1	3,272	.....	1	371	.....	.....	.....	.....	1	322	.....	4	2,950	24	26,332	.....
	Total .....	21	55,144	.....	21	46,313	.....	82	116,872	.....	13	26,871	.....	38	62,681	.....	79	112,108	992	1,893,718	.....
1916	Lost .....	82	228,290	13.54	28	81,068	4.39	208	288,446	12.74	30	66,456	8.15	43	43,528	4.70	58	95,034	1,274	2,714,982	6.31
	Broken up .....	5	6,347	.....	3	438	.....	1	158	.....	.....	.....	.....	.....	.....	.....	.....	14	9,059	.....	.....
	Total .....	87	234,637	.....	31	81,506	.....	209	288,604	.....	30	66,456	.....	43	43,528	.....	58	95,034	1,288	2,724,041	.....
1917 <sup>3</sup>	Lost .....	128	398,790	.....	36	92,113	.....	368	601,209	.....	34	73,565	.....	56	75,132	.....	94	219,477	2,596	6,602,478	.....
	Broken up .....	3	3,226	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	134	.....	.....	9	4,783	.....	.....	.....
	Total .....	131	402,016	.....	36	92,113	.....	368	601,209	.....	34	73,565	.....	57	75,266	.....	94	219,477	2,605	6,607,261	.....
1928 <sup>1</sup>	Lost .....	50	184,173	.....	30	61,829	.....	102	167,034	.....	34	71,745	.....	52	70,016	.....	56	99,352	1,288	3,330,354	.....
	Broken up .....	1	429	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	146	.....	.....	6	2,437	.....	.....	.....
	Total .....	51	184,602	.....	30	61,829	.....	102	167,034	.....	34	71,745	.....	53	70,162	.....	56	99,352	1,294	3,332,791	.....
1919	Lost .....	2	366	.03	42	43,829	1.88	31	33,199	2.07	7	7,376	1.04	27	24,201	2.64	31	41,395	415	514,234	1.12
	Broken up .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	272	.....	1	208	.....	.....	10	9,938	.....	.....
	Total .....	2	366	.....	42	43,829	.....	31	33,199	.....	8	7,648	.....	28	24,409	.....	31	41,395	425	524,172	.....
1920	Lost .....	9	13,020	.61	29	41,988	1.40	26	25,944	1.31	10	10,050	1.07	13	17,777	1.78	27	51,791	357	510,794	.99
	Broken up .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	261	.....	.....	13	7,801	.....	.....	.....
	Total .....	9	13,020	.....	29	41,988	.....	26	25,944	.....	10	10,050	.....	15	18,038	.....	27	51,791	370	518,595	.....
1921	Lost .....	15	28,069	1.14	29	51,185	1.53	16	29,210	1.23	30	53,772	4.84	8	9,698	.86	21	25,211	310	458,992	.81
	Broken up .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	2,518	.....	.....	.....	.....	2	1,348	34	77,545	.....
	Total .....	15	28,069	.....	29	51,185	.....	16	29,210	.....	31	56,290	.....	8	9,698	.....	23	26,559	344	536,537	.....
1922	Lost .....	15	31,059	1.15	64	54,136	1.51	27	23,010	.95	20	27,917	2.30	7	6,138	.59	37	33,334	351	428,756	.72
	Broken up .....	6	15,735	.....	22	15,580	.....	5	3,088	.....	1	1,039	.....	2	251	.....	.....	160	315,110	.....	.....
	Total .....	21	46,794	.....	86	69,716	.....	32	26,098	.....	21	28,956	.....	9	6,389	.....	37	33,334	511	743,866	.....
1923	Lost .....	22	49,629	1.72	33	58,548	1.62	27	36,085	1.52	9	10,779	.90	18	12,587	1.11	23	27,847	324	494,364	.82
	Broken up .....	59	157,080	.....	4	5,498	.....	6	4,622	.....	6	13,760	.....	9	2,160	.....	9	26,792	385	962,503	.....
	Total .....	81	206,709	.....	37	64,046	.....	33	40,707	.....	15	24,539	.....	27	14,747	.....	32	54,639	709	1,456,870	.....
1924	Lost .....	12	38,125	1.40	42	70,933	1.85	21	22,863	.96	6	9,336	.79	11	14,084	1.18	32	45,899	292	440,404	.71
	Broken up .....	43	110,633	.....	8	4,616	.....	7	3,456	.....	9	24,283	.....	7	1,265	.....	24	62,549	485	1,174,258	.....
	Total .....	55	148,758	.....	50	75,549	.....	28	26,319	.....	15	33,619	.....	18	15,349	.....	56	108,448	777	1,614,662	.....
1925	Lost .....	17	37,736	1.29	38	42,788	1.09	21	20,367	.78	14	17,516	1.53	15	14,504	1.16	26	21,000	280	327,748	.55
	Broken up .....	31	100,869	.....	24	37,759	.....	4	3,579	.....	14	15,189	.....	6	4,186	.....	23	41,840	273	653,046	.....
	Total .....	48	138,605	.....	62	80,547	.....	25	23,946	.....	28	32,705	.....	21	18,690	.....	49	62,840	553	980,794	.....
1926	Lost .....	19	47,905	1.52	43	44,576	1.12	22	26,410	.94	12	15,954	1.42	9	10,510	.81	35	23,589	298	428,240	.71
	Broken up .....	17	45,988	.....	12	16,474	.....	6	5,760	.....	10	23,488	.....	8	4,800	.....	20	48,949	358	798,633	.....
	Total .....	36	93,893	.....	55	61,050	.....	28	32,170	.....	22	39,442	.....	17	15,310	.....	55	72,538	656	1,226,873	.....

<sup>1</sup> Cases of breaking up consequent upon casualty are included under "Lost."

<sup>2</sup> Excluding vessels trading on the Great Lakes of North America.

<sup>3</sup> Owing to the war, statistics regarding the vessels owned by the various countries of the world were not compiled by Lloyd's Register for the years 1917 and 1918.

## EXHIBIT F

No. 13.—Passengers carried by water during the calendar year 1926  
[Includes passengers carried by regular vessel lines, ferry, and excursion boats]

Grand divisions	Credited to—		Total
	Ports	Rivers	
Atlantic coast.....	1 309,308,402	5,602,421	314,910,823
Gulf coast.....	8,145,150	154,048	8,299,198
Pacific coast, including Hawaii.....	106,710,066	1,206,729	107,916,795
Great Lakes.....	28,123,747	16,477,009	28,123,747
Mississippi River and tributaries.....		16,477,009	16,477,009
Canals and connecting channels:			
Federal.....		2,198,251	2,198,251
State and private.....		233,724	233,724
Interior rivers and waters not tributary to Atlantic, Gulf, or Pacific coasts.....		56,317	56,317
Total.....	452,287,365	25,928,499	478,215,864

<sup>1</sup> Figure for 1925 in error. Correct figure is 203,243,621, making total for ports, 336,050,250; total, Atlantic coast, 208,866,151; and grand total, 355,814,435.

## EXHIBIT G

No. 110.—Arrivals of passengers at the principal ports from foreign countries, years ended June 30

NOTE.—Figures for immigrants and nonimmigrant aliens cover admissions only. In addition, there are debarred aliens among the arrivals who, after being examined, are found inadmissible and returned to the countries whence they came]

Port and class	1900-1909, average	1910-1914, average	1915-1919, average	1920-1924, average	1924	1925	1926	1927
United States, total.....	1,060,019	1,488,422	454,192	963,630	1,180,583	797,674	866,863	916,521
United States citizens.....	166,236	273,262	131,643	246,640	301,281	339,239	370,757	378,520
Immigrants.....	820,239	1,034,940	234,536	554,920	706,896	294,514	304,488	335,175
Nonimmigrant aliens.....	73,544	180,220	88,013	162,070	172,406	164,121	191,618	202,826
New York.....	812,848	1,048,710	193,356	571,942	618,420	458,182	531,700	566,819
United States citizens.....	128,988	173,578	55,192	161,265	205,362	219,861	263,170	269,026
Immigrants.....	630,141	759,791	100,970	321,403	315,587	137,492	149,289	165,510
Nonimmigrant aliens.....	53,719	115,341	37,194	89,274	97,471	100,829	119,241	132,283
Boston.....	64,942	73,896	13,034	30,329	45,299	17,960	18,942	19,555
United States citizens.....	12,351	11,498	2,723	4,486	6,507	6,098	7,577	7,251
Immigrants.....	47,913	52,474	8,801	24,168	36,320	9,023	8,025	8,080
Nonimmigrant aliens.....	4,678	9,925	1,510	1,675	2,472	2,839	3,340	4,224
Philadelphia.....	24,183	54,823	2,385	10,627	10,628	1,673	606	643
United States citizens.....	3,510	3,506	462	1,355	1,073	942	229	370
Immigrants.....	20,203	48,547	1,667	8,597	8,711	409	66	100
Nonimmigrant aliens.....	470	2,770	256	675	844	322	311	173
Baltimore.....	44,707	31,283	914	511	725	153	274	154
United States citizens.....	1,277	1,126	76	132	141	61	215	69
Immigrants.....	42,994	29,395	780	317	480	68	36	45
Nonimmigrant aliens.....	436	762	58	62	104	24	23	40
New Orleans.....	18,422	11,674	11,199	11,052	12,477	11,665	13,269	13,202
United States citizens.....	13,925	7,837	6,808	6,474	7,276	7,948	9,533	9,278
Immigrants.....	13,288	1,791	1,931	1,407	1,180	727	744	903
Nonimmigrant aliens.....	1,209	2,046	2,460	3,171	4,021	2,990	2,992	3,021
San Francisco.....	10,729	14,053	19,587	24,738	22,853	13,477	14,864	18,116
United States citizens.....	3,609	5,389	5,460	6,976	6,980	5,589	5,825	8,065
Immigrants.....	5,115	4,776	8,442	7,659	7,659	1,927	2,114	2,512
Nonimmigrant aliens.....	2,005	3,887	5,665	10,103	8,214	5,961	6,895	7,539
Seattle.....	14,537	4,627	6,911	8,733	14,769	5,379	5,548	6,748
United States citizens.....	1,667	794	614	1,739	2,971	1,926	1,996	3,154
Immigrants.....	13,136	2,208	3,938	4,046	7,131	1,233	1,444	1,011
Nonimmigrant aliens.....	1,734	1,625	2,359	2,948	4,658	2,220	2,108	2,583

<sup>1</sup> Average, 1906 to 1909.

Source: Annual Reports of the Commissioner General of Immigration, Department of Labor.

No. 111.—Departures of passengers from the United States for foreign countries, years ended June 30

	1900-1909, average	1910-1914, average	1915-1919, average	1920-1924, average	1923	1924	1925	1926	1927
Total.....	487,425	904,423	416,948	588,068	471,187	494,595	549,813	600,235	623,296
Male.....	324,402	631,827	319,331	384,871	277,973	304,290	338,670	349,956	361,966
Female.....	163,023	272,595	97,617	203,217	193,214	190,305	211,143	250,279	261,330
Children <sup>1</sup> .....	52,455	99,348	39,053	75,863	57,610	51,190	51,547	56,470	59,723
Adults <sup>1</sup> .....	434,970	805,074	377,896	512,225	413,577	443,405	498,206	543,765	563,573
Cabin <sup>2</sup> .....	193,822	457,514	209,593	323,302	325,068	346,392	364,771	399,033	410,125
Steerage <sup>3</sup> .....	293,603	446,909	207,355	264,786	146,119	148,203	185,042	201,202	213,171

<sup>1</sup> Prior to 1910 the division point is 12 years; from 1910 to 1917, inclusive, 14 years; thereafter, 16.

<sup>2</sup> Figures include departures by rail via the Canadian and Mexican borders.

<sup>3</sup> Prior to 1910 designated as "Other than cabin passengers."

Source: Prior to July 1, 1907, the Bureau of Statistics; subsequently the Bureau of Immigration, Department of Labor.

## EXHIBIT H

No. 1.—Comparative statement of the water-borne commerce of the United States, eliminating all known duplications, by calendar years <sup>1</sup>  
[Quantities expressed in short tons]

Year	Ports on Atlantic, Gulf, and Pacific coasts				Ports on the Great Lakes			
	Foreign traffic		Domestic traffic		Foreign traffic		Domestic traffic	
	Tons	Value	Tons	Value	Tons	Value	Tons	Value
1920.....	100,384,206	\$9,741,639,067	114,557,241	\$7,402,577,058	12,388,707	\$255,277,343	98,750,979	\$1,150,834,264
1921.....	80,131,748	8,703,680,536	115,333,669	6,121,728,870	12,512,860	235,640,160	88,947,310	724,130,268
1922.....	86,874,593	6,662,280,874	128,430,717	7,598,082,159	13,005,132	291,349,913	81,032,958	998,069,323
1923.....	82,998,505	7,169,442,935	180,660,122	9,608,763,271	14,659,905	253,363,953	110,857,646	1,130,539,355
1924.....	85,433,050	8,523,020,980	197,624,890	11,241,182,131	16,128,526	364,545,833	93,702,753	1,603,987,081
1925.....	92,043,288	8,848,235,505	209,916,869	12,519,779,942	16,504,138	409,737,784	113,644,259	1,870,566,656
1926.....	114,693,239	8,501,645,449	227,391,874	15,161,665,805	16,599,974	440,338,743	120,794,460	1,669,053,512

<sup>1</sup> This table shows the corrected tonnage and values for rivers, canals, and connecting channels, and the grand totals.



## EXHIBIT H—Continued

No. 1.—Comparative statement of the water-borne commerce of the United States, eliminating all known duplications, by calendar years—Continued  
[Quantities expressed in short tons]

Year	Rivers, canals, and connecting channels		Grand adjusted total, foreign and domestic	
	Tons	Value	Tons	Value
1920.....	125,400,000	\$2,814,600,000	399,000,000	\$20,531,000,000
1921.....	116,300,000	2,443,500,000	332,000,000	14,329,000,000
1922.....	111,800,000	3,177,900,000	376,000,000	17,504,000,000
1923.....	153,700,000	2,960,200,000	478,000,000	20,175,000,000
1924.....	173,200,000	3,446,035,000	453,700,000	22,115,000,000
1925.....	204,569,000	3,950,450,000	483,400,000	23,946,000,000
1926.....	217,000,000	3,680,000,000	540,500,000	26,722,000,000

No. 2.—Commerce of ports during the calendar year 1926  
[Quantities expressed in short tons]

Grand divisions	Foreign				Domestic		Grand total	
	Imports		Exports		Tons	Value	Tons	Value
	Tons	Value	Tons	Value				
Atlantic coast.....	33,078,106	\$2,948,889,879	39,835,386	\$3,035,572,787	251,804,101	\$22,055,257,204	324,717,593	\$28,039,719,870
Gulf coast.....	8,742,640	322,522,912	15,527,936	1,082,921,823	47,535,163	1,590,066,619	71,805,739	2,995,511,354
Pacific coast.....	3,013,343	598,973,628	14,495,828	512,764,420	93,513,769	3,776,970,967	111,022,940	4,888,709,015
Great Lakes.....	6,424,329	278,863,131	10,175,645	161,475,612	237,280,699	3,325,986,653	253,880,673	3,766,325,396
Grand total, unadjusted.....	51,258,418	4,149,249,550	80,034,795	4,792,734,642	630,133,732	30,748,281,443	761,426,945	39,690,265,635
Adjusted total, eliminating all known duplications.....	51,258,418	4,149,249,550	80,034,795	4,792,734,642	348,186,334	16,830,719,317	479,479,547	25,772,703,509

TABLE NO. 3.—Commerce on the rivers, canals, and connecting channels of the United States during the calendar year 1926  
[Quantities expressed in short tons]

Grand divisions	Bulk freight						Package freight, miscellaneous		Total commerce	
	Miscellaneous		Floated and rafted timber		Total bulk freight		Tons	Value	Tons	Value
	Tons	Value	Tons	Value	Tons	Value				
Atlantic coast.....	24,521,358	\$195,307,301	824,727	\$4,170,356	25,346,085	\$199,477,657	2,341,467	\$404,060,876	27,687,552	\$603,538,533
Gulf coast.....	3,283,119	37,693,766	1,549,173	7,145,289	4,832,292	44,839,055	427,352	51,621,179	5,259,644	96,460,234
Mississippi River and tributaries.....	71,999,019	452,923,962	618,259	3,947,630	72,617,278	456,871,592	4,419,202	520,182,130	77,036,480	977,053,722
Pacific coast.....	5,930,120	75,411,736	8,910,897	58,676,649	14,841,017	134,088,385	1,790,097	179,639,314	16,631,114	313,727,699
Interior rivers and other waterways.....	763,910	2,303,499	20,269	238,608	784,179	2,542,107	21,909	1,302,129	806,083	3,844,236
Canals and connecting channels:										
Federal.....	99,405,490	1,022,234,975	1,774,434	9,394,008	101,179,924	1,031,628,983	9,190,675	569,345,961	110,370,599	1,000,974,944
State and private.....	5,334,401	421,117,352	2,960	11,800	5,337,361	421,129,152	502,089	37,958,338	5,839,450	459,087,490
Grand total, unadjusted.....	211,237,417	2,206,992,591	13,700,719	83,584,340	224,938,136	2,290,576,931	18,692,791	1,764,109,927	243,630,927	4,054,686,838
Adjusted total, eliminating all known duplications.....									217,000,000	3,680,000,000

Mr. JONES. Mr. President, I did not hear all of the address of the Senator from New York. I understand—I do not know how correct it is—that there was some criticism of the Commerce Committee for not acting upon the matter. Almost immediately after the Senator introduced his resolution, at which time other resolutions were also introduced, a subcommittee of the Commerce Committee was appointed to consider the subject. As chairman of the full committee I was engaged with appropriation bills and conference matters, so that I felt the subject should be taken up by a subcommittee. The Senator from California [Mr. JOHNSON] was appointed chairman of that subcommittee. The Senator from Wisconsin [Mr. LA FOLLETTE], who has always taken a great interest in matters of this kind, and the Senator from Florida [Mr. FLETCHER], who has likewise taken a great interest in such matters, were made the other members of the subcommittee.

I do not know how far that subcommittee has gone in its work, but I know it, especially the Senator from California [Mr. JOHNSON], has been giving the matter very careful consideration. The Senator from Wisconsin [Mr. LA FOLLETTE], as the Senator from New York knows, has not been well, and the Senator from Florida [Mr. FLETCHER] has been ill, so they have not been able to give the matter the attention it should have had.

I appreciate the force of what the Senator has said with reference to the matter. I think it should be gone into with extreme care. I think I can assure the Senator that if the subcommittee is not able to complete its work at this session, as it may not be on account of the illness of two of its members, then

during the special session, while other work, of course, is being done, he can depend upon the Commerce Committee taking the steps that it deems wise and giving this matter the fullest and most careful consideration, with a view to doing just what the Senator suggested at the close of his speech, that we be careful not to do anything which might interfere with our marine developments, and also that everything be done that possibly can be done not only to aid them but to assure the traveling public that everything will be done which can be done to insure their safety.

Mr. WAGNER. I thank the Senator.

## NAVAL APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

Mr. KING. Mr. President, I desire to offer an amendment to the pending bill. I send the amendment to the desk and ask to have it read.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Senator from Utah proposes the following amendment to the naval appropriation bill, which the clerk will read.

The CHIEF CLERK. Insert at the proper place in the bill the following proviso:

*Provided, That no part of the appropriations contained in this act shall be used for the maintenance of any officer or enlisted man in the military or naval service in Haiti.*

Mr. DILL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Washington?

Mr. KING. I yield.

Mr. DILL. May I ask the Senator why he does not include Nicaragua as well? The election has been held in Nicaragua, and it would seem that if the marines are to be brought out there would be time for it to be done before the 1st of July.

Mr. KING. I agree entirely with the Senator from Washington. Our conquest of Nicaragua by the military force was wholly unjustifiable. The retention of our marines and military and naval officers in Nicaragua can not now be justified. I did not include in the amendment which I have just submitted the withdrawal of the marines from Nicaragua because I desired to confine my remarks on the amendment wholly to a discussion of the situation in Haiti. I shall be glad if the Senator from Washington will offer an amendment to the bill providing that no part of the appropriation carried in the bill shall be used for maintaining our military forces in Nicaragua.

Mr. KING addressed the Senate in support of his amendment. After having spoken for some time—

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Senator from Utah will suspend while the clerk reads an announcement by the Chair.

The legislative clerk read as follows:

The hour of 3 o'clock having arrived, the unanimous-consent agreement heretofore entered into will be in force and no Senator shall speak more than once nor longer than 10 minutes upon the bill or any amendment thereto.

The PRESIDING OFFICER. The Senator from Utah will proceed.

Mr. KING. Mr. President, the amendment which I have just offered, if adopted, would compel the withdrawal from Haiti, after July 1 of this year, of our military forces. I admit that I am seeking to engraft upon an appropriation bill legislation which perhaps should be secured in a more direct way. As a matter of fact, however, if the executive department performed its duty no legislation whatever would be required to accomplish the object which I seek.

The military forces of the United States have been in Haiti since 1915. They are held there by Executive authority and could be withdrawn by the President of the United States without notice and without authorization from Congress. But the executive department has been deaf to the appeals of the Haitian people and to the liberal sentiment of the United States and has pursued a reactionary and imperialistic policy which, in my opinion, is incompatible with American ideals and can not be defended upon constitutional grounds. At the cost of millions of dollars we have forced military rule upon the helpless inhabitants of a friendly nation; we have sent our warships to Haitian waters and landed military forces upon Haitian soil. As stated, since 1915 we have governed Haiti and her inhabitants by military force in violation of international law and against the will of the Haitian people.

Following our military occupation and military rule, American capital has sought economic penetration and the control of the material and economic resources of Haiti. For a number of years I have protested against the Haitian policy of the United States and have insisted that the Haitian people have restored to them their own government. I have offered measures in the Senate calling for the withdrawal of American military forces and providing for free elections in order that the Haitian people might be permitted to form and adopt a constitution in harmony with their own views, and select officers to fill the various positions provided for in their own fundamental law. I have appealed to the Senate upon many occasions to free the Haitian people from military rule; to withdraw the American marines, and to leave the Haitian people free to pursue their own course and to work out their own salvation.

I regret to say that my appeals have been in vain. American bayonets still rule Haiti, and the American people are indifferent to the imperialistic course of their own Government and are deaf to the cries of the Haitian people that they may be liberated from the grasp of a powerful foreign Government. I think, however, that the American people are unacquainted with the record of their own Government in dealing with the Haitian people. They do not know that American battleships took possession of Haitian ports and American military forces waged warfare upon Haitian soil, killing more than 3,000 Haitian people. They do not know that since 1915 the Haitian people have been deprived of the right to govern themselves, and have been subjected to the will of the United States; nor do they know that the United States overthrew their government, abolished their constitution, drove their national legislature from their legislative chambers, and have prevented the Haitian people

from having any voice in the control of their internal or foreign affairs. It is not generally known by the American people that the United States has imposed upon the Haitian policies obnoxious to them, and which can not prove otherwise than disadvantageous and harmful to Haiti and her people. It is well known that if our battleships and marines were withdrawn from Haiti there would be universal rejoicing among the Haitian people. The few sycophants and parasites who bask in the favor of American military rulers would be thrust aside and the people would set up a government of their own choice, and elect officials who would represent the ideals and carry out the will of the Haitian people.

I repeat when I say that if the amendment which I have offered is adopted the puppet government of Haiti masquerading as a civil power behind American bayonets would pass away as an ugly dream when the morning breaks and the shadows flee. But I am under no illusion. My amendment will be defeated and our military control of Haiti will continue until the liberal forces of the United States are aroused. More American capital will be invested and more lands wrested from the inhabitants of that unhappy land.

The Senate, I regret to say, has been indifferent, as has been the country, to all appeals for Haitian independence and for the rectification of the wrong which, in my opinion, is being committed against a helpless people and a weak State. I have heard eloquent appeals in this Chamber in behalf of people struggling for liberty against oppressive and militaristic governments. I have heard severe criticisms of a friendly and liberal government because of its control in India and Egypt. We have been free to condemn the so-called imperialism of other nations but seem oblivious to imperialistic manifestations of our own country. There was nothing improper in the United States landing marines in Nicaragua and taking over the control of its government. This seizure of Santo Domingo by the United States and its occupation by American military forces for a number of years found but little expressed opposition from American political leaders or the American press. The holding of Haiti as in a vise by the powerful hand of the United States arouses but little interest among the American people and provokes but few feeble protests among the 120,000,000 of this Republic. And the American people exhibit no concern when the Filipinos demand their independence and assert the right, which is the basis of democracy, to govern themselves and set up that form of government which to them seems best.

Returning to Haiti, I repeat, Mr. President, that in 1915 the United States committed a great wrong when it superimposed, by military force, military rule upon a people with whom we were at peace. They were unable to offer successful resistance to this powerful Nation, but, actuated by love of country and fear of the results of foreign invasion, they mobilized military forces and sought to prevent the conquest of their own country. American troops and American guns killed more than 3,000 men who believed they were defending their homes against an invading foe. Since then Haiti has been governed by the United States, not by any law of Congress or under any constitutional authority but by American military forces whose will was law and whose edicts were enforced by American bayonets. American capital followed American military occupation, and the Haitian people fear that they will be robbed of their lands and become the victims of American capitalistic exploitation.

Mr. President, upon various occasions I have offered resolutions in the Senate demanding the withdrawal of our forces from Haitian soil. In some of these resolutions I have recited, by way of preamble, some of the ugly facts attending the conquest and control of Haiti. On February 23, 1928, I offered Senate Resolution 158, which I now ask the clerk to read.

The PRESIDING OFFICER. The clerk will read the resolution, as requested.

The Chief Clerk read the resolution (S. Res. 158), which was referred to the Committee on Foreign Relations, as follows:

Whereas it is claimed that the following statement contains some of the important facts relating to the occupation of Haiti by the military forces of the United States, and also some of the important occurrences following such occupation, together with facts relating to the present conditions in Haiti:

More than a century ago the Haitian people achieved their independence and established a republican form of government, under which they controlled their political affairs, without interference from foreign powers until the United States seized and occupied their country in July, 1915, accomplishing the same by employing war vessels of the Government which entered the ports and harbors of Haiti and landed large military forces upon Haitian shores;

That said military forces of the United States seized the public buildings in Haiti and important military positions; that the Haitian people



were opposed to the invasion of their country by the armed forces of the United States, and some of them attempted to repel such invasion, as a result of which more than 2,500 Haitians were killed in conflicts with the armed forces of the United States;

There was no sufficient reason for sending war vessels to seize Haitian ports or to land American troops upon Haitian soil; whatever disturbances there were in said country being purely of an internal character and in no wise affecting the liberty of Americans or foreigners;

That after the seizure of Haiti, the admiral in charge of the American forces declared martial law, took control of the Government of Haiti, interfered with the election, and exerted military pressure and all influences at his command to secure the election of Dartiguenave as President of Haiti;

The United States then presented to said Dartiguenave, and to the National Assembly of Haiti, which consisted of two legislative bodies, the Chamber of Deputies and the Senate, a proposed convention giving the United States control of the revenues, police, public works, and sanitary administration of Haiti, which the assembly was unwilling to ratify; whereupon the admiral in command of said American forces cut off the salaries of the opposing members of the assembly, and announced that if the tendered treaty was not ratified the United States "has the intention to retain control in Haiti until the desired end is accomplished, and that it will forthwith proceed with the complete pacification of Haiti," under pressure of which threat the National Assembly accepted such convention in September, 1915;

That in 1916 a new National Assembly of Haiti was elected pursuant to the Haitian constitution and upon the convening of the same there was submitted to it by the United States a new constitution, prepared in the Navy Department of the United States, which, it was declared, was to supersede the constitution under which Haiti had been governed for many years. This new constitution materially changed the constitution of Haiti, among the changes being one which authorized foreigners and foreign corporations to hold Haitian lands contrary to the Haitian constitution, which sought to protect the Haitian people from foreign domination and to preserve Haitian territory for the Haitian people;

This new constitution was not acceptable to the National Assembly of Haiti; whereupon the military forces of the United States summarily and forcibly dissolved the assembly, took possession of the legislative chambers, and locked the same against members of the assembly; and when the two branches of the assembly met in other places, they were summarily and forcibly dispersed by American military forces;

That thereupon an election was ordered by those representing the United States for the alleged purpose of having said new constitution submitted to the people for ratification; that it was known that the people of Haiti opposed the so-called "new" constitution, but a few votes were cast under the supervision and control of military forces and under conditions that indicated pressure and intimidation of the Haitian people, as a result of which it is claimed that no election or true expression of the people was had, and that said new constitution was not in fact ratified by the people of Haiti.

Upon the dissolution of said National Assembly, said Dartiguenave, by dictatorial decree, set up a so-called "council of state" (appointing all the members thereof), which was an extraconstitutional and illegal body and which pretended to take over and exercise the legislative powers of the National Assembly; and it has continued from that time until the present to exercise said usurpatory authority in defiance of the will of the Haitian people. In its acts and proceedings it is claimed said council of state has been merely the instrument to register the will of the President of Haiti, who has been and is controlled by the United States.

The term of office of said Dartiguenave expired August 12, 1922, and thereupon, as is claimed, the United States selected Louis Borno to be his successor; that said council of state had no power or authority to act in the premises, but the members of said illegal organization, with the support of the American military occupation, pretended to elect as President of Haiti said Louis Borno, although he was not eligible to the Presidency of the Haitian Republic because he is not the son of a Haitian citizen, as prescribed by the constitution of Haiti;

That under the constitution of Haiti, as well as the void and unratified new constitution, the two legislative bodies of the Haitian Government were empowered to meet as a national assembly and to elect, at the times designated in said constitutions, respectively, the President of the Haitian Republic;

That said council of state, in the matter stated, and in defiance of said provisions, pretended to elect said Borno for the term of four years, the period prescribed in the so-called new constitution, which the National Assembly of Haiti had refused to accept;

That the constitution of Haiti, as well as the new constitution sought to be imposed on the Haitians, provides for the election of the members of the two legislative bodies of the Haitian Republic, but since the suppression of said bodies no elections, except as hereinafter stated, have been held, or permitted to be held, by those in control of Haiti, as a result of which no national assembly existed to choose the President of Haiti, as provided in said constitutions;

That under the terms of the new constitution a President of Haiti was to have been chosen by the national assembly on the 12th day of

April, 1926, but said assembly having been abolished by the military forces of the United States and the dictatorial decree of Dartiguenave, said council of state, with the approval and support of the military forces of the United States, pretended on said day to reelect said Borno as President for a further term of four years; that it was understood for many months prior to said date that Borno aspired to another term as President and was supported for such position by General Russell (who commanded the military forces of the United States in Haiti, and who also bears the title of the American high commissioner), if not the Department of State of the United States. To bring about that result said Borno shortly prior to April, 1926, appointed 18 of the 21 members of the council of state from among his relatives, personal friends, and retainers, in order that he might be assured of his reelection on April 12 of this year;

That the term of said convention of September, 1915, expired on September 15, 1926; that if the United States had any right, under convention, to occupy Haiti and control its government and the people of Haiti, such right no longer exists, and the further presence of the United States in Haiti means the continued unauthorized control of Haiti and her people by superior military forces;

The said new constitution contained substantially the same provision as the Haitian constitution with respect to freedom of speech and the press and the guaranties of personal liberty and also with respect to the judiciary and the powers and functions of judicial officers;

That those in control of Haiti have been dissatisfied with the independence of members of the judiciary and their interpretation of the constitution and the laws, and the protection which they have accorded to the personal and property rights of the Haitian people. This situation resulted in the demand, upon the part of those controlling the political and governmental affairs of Haiti, for a suppression or repeal of said constitutional provisions, and notwithstanding said officials had declared that the people of Haiti were unfit to vote, an election was called for the 12th of January, 1928, to repeal said provision of the constitution.

That the proposed amendments to the constitution are for the purpose of legalizing the denial of freedom of the press and personal liberties, including the right to trial by jury, and for the purpose of placing the judiciary under the control of those dominating Haiti.

That it is claimed that the de facto Government of Haiti is the United States acting through General Russell, who is supported by the military forces of the United States, and that Borno and said council of state act in accordance with directions given to them, that the liberties of the people are restricted, the freedom of the press destroyed, the independence of the courts interfered with, the voice of the people in the matter of levying taxes and expending them silenced, the right of franchise denied, and the people of Haiti subjected to a foreign control which attempts to screen its power behind Haitian agencies which have been set up and through which it operates.

That there will be no correction of these conditions and no restoration of civil government and constitutional authority in Haiti until the Chamber of Deputies and the Senate shall be elected by the people of Haiti, and shall, in turn, as an electoral body, elect the President of Haiti under the terms of the Haitian constitution;

That the suppression of civil authority by military power is contrary to the Constitution of the United States and those principles of political and civil liberty which are professed by the Government and the people of the United States;

Now, therefore, be it

*Resolved*, That the Committee on Foreign Relations is directed to consider the statements and claims herein set forth, and to make such investigations as are necessary to ascertain the reason for the seizure and continued occupation of Haiti by the United States, the reasons why the constitution of Haiti was superseded, the elections suppressed, the rights of the Haitian people interfered with, the guaranties of liberty, freedom of speech and of the press under said constitution impaired, and also to inquire into the present conditions in Haiti, and report their findings to the Senate, together with such measures as shall permit the Haitian people to set up and establish a government of their own choice and assume control of the same, and their own civil and political affairs, and which shall provide for the withdrawal from Haiti of all military forces of the United States, and all officers—military, naval, and otherwise—except only regularly accredited diplomatic representatives or consular agents as may be agreed upon by the Government of the United States and the Government of the Haitian Republic.

Mr. KING. Mr. President, I have carefully examined the record with a view to stating nothing in the foregoing resolution, as well as other resolutions which I have offered in the Senate, which was not accurate and subject to absolute verification; so that the resolution just read by the clerk recites what I believe to be many of the facts concerning the conquest of the Haitian people by the United States and the military government to which they have been subjected.

Since the introduction of the resolution just read the situation in Haiti has not improved. The same military control exists.

American marines are still there. Brigadier General Russell, the American high commissioner, is still the controlling factor in Haiti. Judges have been removed and replaced by persons amenable to the authority which dominates the country. The guaranties found in the Haitian constitution have been abolished. The right of assembly has been interfered with. Liberty of speech is denied. A military dictatorship rules the land, and all this has been under the authority of the United States. Thousands of Haitians have left their native land, and many others have been forced from lands which they and their fathers occupied for many years. American capital has acquired control over large areas of fertile lands. The situation is unsatisfactory and the political conditions provoke unrest and deep-seated resentment. Large loans have been negotiated, and American capitalists have acquired the bonds which have been issued. The situation indicates a purpose to keep Haiti under American control for an indefinite period. Believing, as I do, that the United States is wrong in its policy toward Haiti, and that its continued control of the Haitian Government will result in reactions, and produce repercussions harmful to both countries and inimical to the spirit of good will which should exist between the United States and all Latin America, I have for years demanded the withdrawal of American troops from Haitian territory and the liberation of the Haitian people from foreign military rule. I have urged that the Haitian people be permitted to hold a free and uncontrolled election for the purpose of choosing representatives to a constitutional convention, in order that there might be formed a constitution under which they might enjoy such political rights and such a form of government as to them seemed best. I urge now that our Government announce its purpose to withdraw its military forces and return to the Haitian people the control of their own Government and their own country. Upon the adoption of a constitution by the Haitian people, and the election of officers provided in such constitution, which is contemplated under the amendment which I have offered to the pending bill, there is ample time between now and July 1 for the calling of a constitutional convention and the holding of an election thereunder, so that soon after the date just mentioned the Haitian people would be in control of their own country.

However, Mr. President, in order that the transition from the military rule to a government of their own might not be too abrupt, I would be willing to support a measure that would continue American occupation until January 1, 1930. During this year, if it were understood that in January, 1930, American control would be terminated, all needed measures could be adopted, without haste, and all political and governmental authority transferred in an orderly way to the Haitian Government, so to be set up, pursuant to the organic law determined upon by the Haitian people.

Mr. TYDINGS. Mr. President.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Maryland?

Mr. KING. I yield.

Mr. TYDINGS. I appreciate the fine motive that actuated the Senator from Utah in offering the resolution, but I am wondering what his idea would be in a state of circumstances such as this: Suppose that in the Western Hemisphere an usurper should obtain control of some government; suppose that under that usurper or dictator the liberty and the lives of the people were brought to such a point that the whole world would revolt at the treatment they were receiving at the hands of the man who had power; suppose people were being shot down without the right of trial; suppose that under that dictator murder and graft and corruption were rampant and everything that human liberty values was trodden under foot, what, in the Senator's opinion, would be the duty of the United States? Is there any extreme state of facts at all under which the Senator feels that our Government would be justified in taking possession of that country temporarily in order theoretically to reestablish the liberties of the people, or does he feel that, no matter what the circumstances and conditions might be in any country in the Western Hemisphere, it is the business of that country to deal with them and under no circumstances whatsoever should we take any part therein?

Mr. KING. Mr. President, the Senator from Maryland has submitted an extremely hypothetical situation—indeed, one in which I find no parallel in those countries with which the United States has diplomatic relations. I can scarcely conceive of conditions so extreme as those embraced in the questions of the Senator. I grant that there have been in Haiti revolutions, followed by the rule of dictators, who have been overthrown by military leaders who sought executive authority. There have been in some Latin-American countries revolutionary governments, internal and factional strife, and not infrequently sanguinary conflicts. And in the Eastern Hemisphere there has

been domestic strife, out of which military dictators have emerged who have imposed autocratic and oppressive rule upon the people. China has passed through a series of internal convulsions; military chieftains have warred against each other, and ruin and devastation have followed the efforts of ambitious and, too often, unprincipled men who sought to control a part or all of the great Chinese Empire.

I might add that in our own country we have had a sanguinary and fratricidal war which filled the land with sorrow. The Senator will recall that there was resentment at the suggestion of foreign interference in the conflict which threatened to divide this Republic. No country had the right to interfere in our domestic affairs, even though the purpose may have been to terminate a sanguinary struggle which stained the soil, North and South, with the blood of thousands of heroic and valiant men.

Quite recently the Government of Afghanistan was overthrown by a cruel military leader. We have not obtained full information, but sufficient data have been obtained to reveal that atrocities were committed upon innocent people. It is contended by many that the Bolshevik leaders, when they seized the Russian Government, perpetrated unparalleled cruelties, killed hundreds of thousands of inoffensive people, and drove from Russia nearly 2,000,000 of her inhabitants. It was not suggested in the instances alluded to that the United States owed a duty to intervene and to prevent bloodshed and unspeakable cruelties. The United States has not been made the guardian of the world and the protector of people in every country upon the Western Hemisphere. This Republic is not a policeman to guard America or to control the people of Latin America. I can conceive of circumstances under which the United States might be justified in interposing to prevent continued atrocities, the destruction of the lives of innocent men and women, the complete overthrow of law and order, and the plunging of the whole Nation and her people into the abyss of anarchy and ruin. But no conditions exist now upon the Western Hemisphere which would warrant our Government engaging in military operations to subject a people or country to its rule.

I think I should answer that even under the extreme situation mentioned by the Senator our country would not be justified in taking possession of a country exposed to such frightful calamities as those indicated in the Senator's question. There have been dictators and usurpers in Latin-American countries, but in time they have been overthrown and order established. The Latin-American Republics were born in the storm of revolution. Conditions attending their development have not always made for orderly progress and development. Conflicting forces and violent currents and cross currents have been developed as these nations have struggled to reach the uplands where peace and order and true progress are to be found. Progress comes slowly and the path of national development is stained with the blood of martyrs. Nations are not born in a day. They are subject to evolutionary laws and processes, and centuries may be required for them to emerge from darkness and cruel injustices and oppression and to develop a system under which reasonable freedom and happiness may be enjoyed.

If the United States should announce its purpose to interfere in the Western Hemisphere whenever there was disorder or cruelty or corruption or usurpation or tyranny, it would arouse fears and resentments, and, indeed, hatred in every part of this hemisphere. I repeat, God did not make this Nation the policeman and the guardian of the Western Hemisphere. The Monroe doctrine endows this Republic with no such authority and charges it with no such responsibility. This Nation can serve the peoples of this hemisphere and of the world far better by pursuing a just and righteous course, by practicing justice and mercy, by setting an example of toleration and of patience, by exhibiting a spirit of sincere friendship and brotherhood, by convincing the peoples of the world that our Nation is one of peace and universal brotherhood.

I might add to these generalities, however, that it is the duty of the United States to protect its citizens whether in Latin America or elsewhere and in affording such protection, conditions may sometimes arise calling for the exercise of military force.

Mr. TYDINGS. I thank the Senator, and I appreciate the fact that his answers are really conclusive as to what he has in mind, but carrying my thought a step further, suppose that the conditions in Cuba had been what they were before we had war with Spain, I presume the Senator then would not have been in favor of taking the part of the Cuban people, who were admittedly oppressed. Am I correct in that?

Mr. KING. Mr. President, I confess to some reluctance in attempting to answer the question just submitted by the Senator from Maryland. Perhaps I can, in part at least, reply to his question by briefly referring to some inconspicuous part which



I played in that great adventure by the United States. I was a Member of the House of Representatives during the Fifty-fifth and Fifty-sixth Congresses. The situation in Cuba in 1897 was serious and indeed tragic. The revolution was in progress and Spain was exerting every effort to maintain her sovereignty and control over Cuba, and to defeat the revolutionary movement. There was a strong feeling in the United States that we should intervene or at least recognize the belligerency of the insurgents. In the House of Representatives a great majority of the Members were not satisfied with the course of the administration, and the Democrats were urging armed intervention. Many of the Republicans joined with them in opposing the negative policy of President McKinley. In order to learn definitely of the conditions in Cuba, and at the request of the leading Democrats of the House, I went to Cuba early in December, 1897. There I spent several weeks visiting various parts of the island. I met General Blanco and the Spanish authorities, and penetrated various Provinces, where I secretly met the revolutionary leaders and visited many insurgent units who were fighting to throw off the Spanish yoke.

Even if time permitted it would be impossible to describe the awful conditions which I there beheld. Many parts of the island had been devastated and hunger and wretchedness stalked through the land. The Spanish authorities, in continuing their military operations, drove into various cities and towns thousands of poor starving Cubans, burning their rude belongings and destroying their possessions in order to weaken the cause of the revolutionists. The reconcentrados, as these Cubans were called, were exposed to the inclemencies of the weather and were without food or shelter. Tens of thousands of them died from exposure and starvation, and everywhere there was sorrow and tragedy and lamentation.

Guerrilla warfare existed and contributed to the terrible situation which made of Cuba a charnel house. And the conditions of the Spanish troops was such as to excite pity even among those who were opposing them. Disease destroyed them by the thousands; lack of food and clothing and proper care and protection decimated the ranks of the Spanish Army so that their efforts to subjugate the revolting Province were unavailing. American property was destroyed and some American lives were lost. It seemed to me from my investigation that the strife called either for intervention by the United States or the recognition of the insurgent government to be followed by according it all rights belonging to belligerents. Upon my return to Washington I reported to my Democratic associates, and recommended that our Government intervene for the protection of American lives and property and to prevent the destruction, which seemed to me to be inevitable, of most of the inhabitants of that beautiful island.

The Democrats in the House, together with 80 or more Republicans, called Republican reconcentrados, joined in demanding that the administration intervene in Cuba. With the destruction of the *Maine* in the harbor at Habana, there was an irresistible demand throughout the country for armed intervention in Cuba. War with Spain soon followed, the results of which are familiar to the world. In the light of subsequent events there are many who doubt the wisdom of the course pursued by the United States, and there are some who assert that we were not justified in going to war with Spain because of the Cuban situation. It has been declared that we intervened because of humanitarian reasons. Doubtless the atrocities committed by General Weyler in Cuba, the starvation of hundreds of thousands of the Cuban people, the conviction that further strife would almost destroy the entire population, so aroused the American people that many of them believed it to be the duty of this Republic to intervene. It was not so much hostility to Spain as it was sympathy for the sufferings of the Cuban people that influenced the American people.

Mr. President, it is a serious thing for one nation to interfere in the internal affairs of another nation; and it is a responsibility which a nation should never assume (unless no other course is open) to engage in military operations against a friendly state upon the ground that the latter is governed by a dictator or that revolutionary factions are engaged in ruinous warfare. Much as we may deplore civil wars and factional strife, they have in many cases brought important results. Out of the fires of revolution have come nations which have carried forward the banner of progress and freedom. The record of Latin America has some dark pages, but progress has been made, and it is certain that the future will witness increased development, materially, morally, and spiritually, upon the part of all of our neighbors in this hemisphere. The attitude of this Nation should be one not of arrogance and pride but rather of humility. There should be a recognition of the fact that much

has been given to this Nation and her people, and where much is given, much is required. America should be the evangelist of peace, the apostle of good-will, the exemplar of those national virtues which will crown it with moral and spiritual primacy.

Mr. President, I return to the consideration of the Haitian question. Powerful nations have not infrequently made war upon a weaker nation pleading in justification of their course factional strife and internal dissensions in those countries which they attacked. Ambitious monarchs have often discovered plausible reasons to conquer adjoining, as well as remote, states, and to impose upon them the will of the conquering nation. And history is replete with examples where, after intervention and conquests, reasons were discovered for the conquering nations to annex the territory invaded and to impose upon its inhabitants a yoke which to them was most hateful.

Because there was war in Nicaragua, or conflicts in Haiti, or internal strife in Santo Domingo, I do not admit that the United States was justified in intervening in either of these countries. The military intervention in Haiti occurred under an administration to which I was giving my support. I believed then, and I believe now, that my party committed a great wrong when it sent military forces to occupy Haiti and when it abrogated the Haitian constitution and set up a military rule.

Mr. ODDIE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nevada?

Mr. KING. I yield for a question.

Mr. ODDIE. As a question, then, I will ask the Senator not to call on the American people to take all that he is saying as fact.

Mr. KING. Whatever I say concerning the Haitian situation is supported by the record, and I stand upon my statements. Mr. President, whenever I have spoken upon the Haitian question the Senator from Nevada has felt constrained to interrupt me and to project himself into the discussion. He seems to be obsessed with the idea that he is the champion of the administration in its policy of retaining control in Haiti. I may add that the Senator's interruptions are irrelevant. I have no objection to him stating in his own time his views concerning Haiti. He may justify imperialism in any form that he pleases. If he seeks to advocate imperialism, either economic or military, it is his privilege and I will not quarrel with him; I will, however, determine my own course and voice my own views with respect to what I conceive to be the proper course to be pursued by the United States in dealing with other countries, and with helpless peoples. I have condemned the conquest of Haiti and criticized the policy of the present administration in Haitian affairs as I have criticized its course in dealing with Nicaragua.

Mr. ODDIE. Mr. President, will the Senator yield for a question.

Mr. KING. For a question, yes.

Mr. ODDIE. I will ask the Senator if the policy of the present administration is not the same as the policy of the previous administration in 1915 in regard to our occupation of Haiti which I advocated as I am advocating the policy of the present administration in this matter?

Mr. KING. If the Senator thinks he is embarrassing me by instituting a comparison between the policies of the Democratic and Republican Parties in Haiti, I can assure him that he is mistaken. As I have stated, I criticized my own party for its military operations in Haiti, and have criticized the Republican Party for the course which it has pursued in that country. I have no partisanship in the consideration of international questions. I would more quickly condemn my own party than I would the Republican Party when I believed that it was pursuing an unjust course toward the peoples of another country. I have said I expect more of the Democratic Party than I do of the Republican Party, as the former would deserve greater condemnation for injustice and wrong to helpless people because Democrats know better. [Laughter in the galleries.] Democracy is founded upon the right of the people to govern themselves. It believes in the right of self-determination and recognizes the right of the people to prescribe their own form of government. When our forefathers revolted and sought their independence, a great Englishman commended their efforts and abjured them to continue the struggle so long as a foreign foe remained upon their shore.

Mr. President, I shall continue to oppose our policy in Haiti until American troops are withdrawn and the Haitian people are free to govern themselves in their own way and under such forms as they shall ordain. I condemned our military occupation of Santo Domingo and demanded that our military forces should be withdrawn from that land. It was a source of

gratification to me when we finally ordered our armed forces to be withdrawn, and the Government of Santo Domingo to be restored to the people.

Mr. BRUCE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Maryland?

Mr. KING. I yield to the Senator.

Mr. BRUCE. Does not the Senator think that the results of our occupation of Santo Domingo were altogether beneficent?

Mr. KING. Mr. President, it is quite likely there will be differences of opinion as to whether our military rule in Santo Domingo resulted in benefits to the people of that country. I confess that it is somewhat difficult to measure the question of advantages and benefits and to predict with any degree of certainty what the results would have been, in any country which had been subjected to foreign control, if there had been no foreign intervention. No one can determine what would have developed in Santo Domingo had there been no American occupation. Too often it is assumed, when there has been foreign intervention, that any progress is the inevitable result of such occupation.

This view rests upon the assumption that the people are incapable of progress or of remedying temporary or chronic evils, and that foreign or extraneous forces must be introduced in order that the stream of life, nationally and otherwise, may be permitted to flow. Undoubtedly there have been military occupations that have resulted in some benefits; but to say that the benefits would not have been realized without such occupation is subject to challenge.

The investigation made by the committee of the Senate known as the McCormick committee of the military occupation of Santo Domingo presents a sordid and tragic picture. There were cruelties perpetrated that can not be defended and a record made which must be condemned. But even if benefits do result from military excursions by our Government into foreign states, I deny that it is the right or the duty of the United States to superimpose its authority upon such states. I believe that imperialism in any form is injurious to our own institutions and to our own Government. If we form a habit of sending our war vessels and marines to foreign countries, and give as a pretext for such course that we seek the welfare and felicity of other peoples, we are, in my opinion, developing a national point of view which will prove a menace to republican institutions and destructive of the democratic ideals which should guide the United States.

It is probable that our Government might give to some backward people a better form of government than that which they now enjoy; but who shall say that in the long run the people of such country were benefited or that the political and democratic spirit of the American people has not been weakened or polluted? I believe that we are undermining the foundations of this Republic and weakening the spirit of democracy—that subtle and, I might say, delicate spirit which must persist if our institutions are to survive—when we become imperialistic; when we hold peoples and countries for exploitation; when we, by military force, subject them to our will. It is a dangerous thing for democracy, resting upon the sublime principles announced in the Declaration of Independence, to seize and hold by force a country and its people, particularly when the latter represent ethnic differences and where they have different habits and customs and their cultural developments have been along other lines. The Filipinos and the Haitians have different traditions and different views and a different culture from that which we possess. Concede that we are superior morally, spiritually, and intellectually; that affords no justification for holding them under American rule and trying to force upon them our culture and traditions and form of government.

Mr. President, as I stated, nations make slow progress; the processes of evolutionary development, social and political, work almost imperceptibly; indeed, there are some who doubt that humanity is other than an inert mass and that it lacks the vitality and genius for progressive development. That view I do not regard as being sound. There are vital forces operating in the social and political organism, and growth and progress are manifest throughout the world. Progress which comes from within as the result of individual efforts—of local, vitalizing influences—will be more certain not to be arrested; its foundations will be more secure, and each successive development will energize the community, the state, and the people and prepare them for further and greater intellectual and moral growth.

The history of Great Britain is a most inspiring one, and demonstrates that social and political institutions under which liberty can be enjoyed are the product of centuries and come

only through trials and tribulations and years of struggle and strife.

The Haitian people a little more than a hundred years ago were slaves. They drove their oppressors out and set up a government of their own. They made many mistakes; they stumbled and frequently fell, but they arose and moved forward; they established a government liberal in form; they produced many educated and cultured men and women. Their Government took its place in the great family of nations and entered into treaties with the leading nations of the world. This new and rather backward nation discharged its international obligations; it sought the improvement of its people. Ambitious men, some of whom were unprincipled and corrupt, seized the reins of authority and interrupted the progress of the nation and disturbed the peace of the people. Presidents were driven out of the land. Some of them were killed. Revolutions, though somewhat attenuated, occurred, but there was growth. The Government was republican in form. There were two legislative branches patterned after the House and Senate of this Republic. A judicial system was established that received the commendation of leading jurists in other countries. Haitian lawyers contributed to the work of The Hague and were selected to aid in the codification of international law. Writers and journalists, famed beyond the borders of Haiti, were the product of this new Republic. Without justification we landed thousands of soldiers and marines upon Haitian territory and waged a successful war, until all the strategic military points were in the possession of our forces, and the entire Government was under the control of the United States. For nearly 14 years we have governed Haiti.

I submit that our record during that period not only is not free from criticism but justifies severe condemnation. The abolition of their constitution was an unjustifiable act. To force upon them a fundamental law materially modifying their own constitution was an international offense. To destroy their legislature and set up a form of government which is employed to conceal the iron hand and military power of the United States calls for severe condemnation.

Mr. President, there is now no Haitian Government; there is no real freedom in Haiti under our military rule. The independence of the judiciary has been destroyed. The constitution which we forced upon them has recently been changed so that judges who had been appointed for life have been removed and their places taken by complacent persons who, it is supposed, will be amenable to the puppet government which we have set up. The court of cassation, which existed under the Haitian constitution, was composed of enlightened and eminent jurists, whose decisions were respected not only by people of Haiti but by all who were familiar with them. The judges of this court were independent and courageous; so it was determined to remove this bulwark which sought to protect the liberties of the people. Accordingly changes were made in the constitution, not legally, and pursuant to these changes a pliant judiciary has been established.

The guaranties of the old constitution, and even the one we first forced upon them, have been swept aside. There is no longer freedom of speech and of the press in Haiti. Journalists have been imprisoned; even now some are incarcerated because they do not conform their conduct to the will of General Russell, the head of the American marines, and the so-called high commissioner and the Borno régime. This high commissioner has never been confirmed by the Senate of the United States. He exercises military authority, presumably as brigadier general in charge of our marines. He is the real power behind the so-called Haitian Government, the policies of which are determined and executed by him. I should add, however, this qualification: That he is amenable to the Executive of the United States and doubtless receives instructions from the State Department. What his instructions are we do not know; the limit of his authority we are unable to determine. That Haiti and her 2,000,000 people are under his control and subject to his will, with the qualification just stated, there can be no doubt. No one could be the puppet President of Haiti against the will of General Russell and the United States. No important domestic or foreign policy of Haiti can be determined by the Haitian people. Their revenue laws are prescribed by the American occupation. Disguise it as we may, sugar coat it as we may try, the bald, naked fact stares us in the face that Haiti and her people are governed by the military forces of the United States.

In the New York World there have recently appeared two articles of some significance. I should add that there are a large number of Americans in Haiti occupying profitable positions. Of course, they are subject to the military control of General Russell. They enjoy lucrative positions and draw large



salaries from the Haitian treasury. Doctor Millspaugh, who held the position of financial adviser and general receiver for Haiti, recently resigned because of clashes between him and General Russell, the American high commissioner, growing out of charges of extravagance upon the part of some of the officials in Haiti.

In the issue of the *World* dated February 8 of this year it states that Doctor Millspaugh resigned because of the actions of Brig. Gen. J. H. Russell and other officials and their alleged extravagance. It further states that "this information was confirmed by State Department officials in Washington." The *World* states:

Secretary Kellogg to-day refused to comment on whether he had asked Millspaugh to resign. Other State Department officials, while admitting friction between Doctor Millspaugh and authorities in Haiti, both American and native, declined to say whether his resignation was voluntary.

The article further states that—

confirmation of the strained relations existing between Doctor Millspaugh and General Russell was obtained from officers of the Marine Corps.

The same article states that Mr. Marshall, a captain in the American forces during the World War, and for six years a clerk in the United States Consulate at Port au Prince, had resigned and left Haiti. The *World* quotes Captain Marshall as follows:

The department of public works had spent millions of dollars of Haitian money without an accounting to the people. When the Americans came, in 1915, they immediately abolished the Haitian Chamber of Accounts and promised to give the Haitians a more modern and efficient system of accounting. For 13 years that promise never has been fulfilled. Doctor Millspaugh requested the State Department to send expert accountants to Haiti. \* \* \* On October 22, General Russell "peremptorily" urged the State Department to request Doctor Millspaugh to resign. \* \* \* While this was pending, the unaudited accounts and vouchers of the department of public works were destroyed by a mysterious fire.

The article further quotes Captain Marshall as stating that there were matters on which the financial adviser disagreed with the American military officials governing Haiti, among them being a proposal to build an expensive concrete road between Port au Prince and Petionville—a road which Captain Marshall says "was desired by the American colony to make more accessible its country club at Petionville, and the proposed purchase of a \$100,000 Coast Guard vessel." Captain Marshall stated that since the last Coast Guard ship, purchased by Haiti at a cost of \$24,000, almost sank in getting to Port au Prince, and has been useless ever since. Doctor Millspaugh opposed the sending of good money after bad.

The article proceeds:

Captain Marshall was a football star and champion quarter-miler at Harvard. During the World War he served in the Fifteenth Infantry under Col. William Hayward, was wounded, and was cited for gallantry in action.

In the issue of the *New York World*, dated February 10, 1929, appears an article written by Captain Marshall. I ask that excerpts from this article be inserted in the *RECORD* at this point without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

\* \* \* In consequence of the annual reports of Gen. John H. Russell, the American high commissioner to Haiti, and a press bureau, the American people have the notion that Haiti is prospering under the American occupation. Nothing could be further from the truth. I have spent six years in the United States Legation at Port au Prince and have been in a position to study minutely the trend of affairs in that unhappy Republic.

When I left there, a few days ago, misery prevailed everywhere. If the purpose of the occupation of Haiti by the armed forces of the United States was to crush the spirit of a free and sovereign people and reduce them to a dependent state, that purpose has been brilliantly achieved.

When I went to Haiti six years ago I found a cheerful, light-hearted people, hopeful of the future. They had confidence in the pledged word of the Americans to remit to them their native soil at the expiration of the treaty. They believed that the Americans had come into their midst with the high and disinterested purpose of helping them to rise to higher levels politically and economically.

To-day that confidence has gone and in its place have come bitter disappointment and despair. It seems that many Americans the Government has sent down to Haiti look with disfavor and contempt upon the cultural side of the Haitians. \* \* \*

In exchange for cultural values requiring centuries to develop one is given certain economic values of a transitory nature, of even doubtful utility. The instances where American-made roads and bridges have been destroyed by the first violent rainstorm after their construction are not few; and such roads as have been constructed are totally inadequate for 13 years of American occupation. \* \* \*

Not so many months ago a very important bridge over the treacherous stream of Limbe on the road from Port au Prince to Cape Haytien was swept away. Immediately the news was cabled to the American press that an unprecedented storm, causing the deaths of three or four hundred natives, had done the mischief. This was not true. The truth was that the American engineers had ignored advice of their collaborating Haitian engineers to construct this bridge at another place. A little later the bridge leading into Jacmel, costing some \$45,000, was demolished by an ordinary storm for that locality. The Haitian papers raised a strong protest, and the responsible American engineer was relieved of his duties. These are only a few instances of maladministration on the part of the department of public works under the control of a chief American engineer. \* \* \*

But we were talking about the effects of the occupation upon the social life of the Haitians. Not content with driving the upper classes from their pretty homes by offers of attractive rentals, which their high-salaried positions enabled them to make, the American invaders sought to take away from them for their own use the cornerstone of their religious and esthetic culture, the Church of Sacre Coeur at Targeau, the fashionable quarter of Port au Prince.

Although their hearts were bleeding, the coup de grace was given when a few days before the arrival of Colonel Lindbergh at Port-au-Prince an American officer with a squad of gendarmes descended upon "le Cercle Belleue," the leading club of that city, and sealed it under orders of the Government. The charge was that its members indulged in political discussions, which was not true, and, if true, they so engaged themselves with as much decorum as the members of the Union Club of New York City. \* \* \*

From that moment down to the present time Haitian society has ceased to exist. The other clubs, a half dozen or more, have ceased to function out of sympathy with the "Cercle Belleue," and the time-honored weekly "at homes" of the Haitian society are a thing of the past. People do not even visit one another.

The Americans at Port au Prince had always looked with an envious eye upon the spacious dance hall and splendid appointments of this club, and a few days after its closing a marine corporal approached the president of this club, Mr. George Leger, with an offer for its rental to the American colony. Of course, the offer was curtly refused, and the club still remains closed after an existence of 30 years.

Haitian society is mourning, and this mourning has descended to the lowest stratum of the population, the peasants; for even here the old African tambourine dances, accompanied by those musically weird, enchanting, crooning spiritual outgivings of a primitive people, are abolished by American-made laws.

When the English wiped out the quaint little French colony of Acadia they did it more mercifully, because they did it more brusquely. In Haiti the dying tortures are slowly and methodically applied. Yet there are statesmen at Washington who insist that the fundamental intent of the American occupation is to secure the confidence of the Haitian people. I know that that was the hope of ex-Secretary of State Hughes and the late Senator McCormick, but the brigadiers in Haiti scoff at civilian counsel.

The economic side of this picture is darker still. *Le Temps*, a daily at Port-au-Prince, published on December 10, 1928, the seventeenth of a series of articles reviewing the economic condition of the Haitian people. We translate the following comment:

"Misery in the folded arms of the merchant before his empty money chest! Misery of the discouraged bourgeoisie, of the helpless small employee! Misery in the glazed eyes of the scantily clad girls of the proletariat in the evenings on the street corners of the squalid outskirts of the city! Misery of the elite and of the masses! Misery of a whole people!"

The editor who wrote this article is now in jail for violation of the law against the press. He is the twenty-seventh newspaper man to be thrown in prison during my residence at Port au Prince. But this is aside from the story. After a carefully studied exposition of the situation, this writer sets forth the following causes for the prevailing economic atrophy (translation):

First. The stationary state of production in relation to the increasing population.

Second. Exorbitant duties.

Third. Investment of the national funds abroad.

Fourth. Our budget is devoured by the fat-salaried American employee, and construction of all kinds is out of proportion to cost.

Fifth. Famine salaries of the public employees.

Sixth. Fixing of the gourde (the national money) at the ratio of 5 to \$1.

Seventh. The unskillful application of the tax upon alcohol and tobacco.

Eighth. The systematic boycotting of Haitians from employments of all kinds; whence the large number of unemployed.

Ninth. Too great consumption of luxuries.

Tenth. Drainage of Haitian money by foreign commercial enterprises.

Eleventh. The desertion of the plantations by the peasants.

The exorbitant duties inserted in the last customs law is one of the chief causes of this business stagnation. \* \* \*

In the meantime the political pot was boiling in Haiti. Not that it had ever ceased to boil, but eventful things were coming to pass. Mr. Borno had, in some kind of a fashion, been twice "elected" President of Haiti. He wanted a third term, but the State Department thought that would be "undemocratic," so Mr. Borno, last May, sent a message to the council of State by which it was generally believed he had renounced a third term. He stated that when, in 1920, his Government finished its mandate, its successors, etc.; the use of the pronoun "its" did not escape the observation of some of the lawyers at Port au Prince.

What could Washington do if Borno had himself reelected by a legislature chosen apparently in a legal manner? To make assurance doubly sure the President has had passed two laws uniquely designed to the consummation of his plans. One is the law against meetings, and the other is a law against the press. Opposing candidates can not hire a hall and make a public campaign, and protesting editors are forbidden to criticize candidates of the Government.

This is what is passing in Haiti, supported by martial law and the bayonets of American marines.

Mr. KING. Mr. President, I ask that an editorial appearing in the New York World under date of February 10, 1920, be inserted at this point in my remarks without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AN INCIDENT OF EMPIRE

Everyone knows that the "Haitian Republic" is really an American protectorate; that President Louis Borno is a pawn in American hands, and that Haitian authority is concentrated in a group of American "treaty officers." They include our high commissioner, Brig. Gen. John H. Russell; our financial adviser and receiver general, Dr. A. C. Millspaugh; and our chief of gendarmerie, Maj. Gen. Frank M. Evans. Doctor Millspaugh has now resigned. He is silent as to the reasons. But the World publishes a statement by N. B. Marshall, former Harvard student, Army captain, and lawyer, and for six years ended January 1 employed in our Port au Prince Consulate, who returned on Doctor Millspaugh's ship. He declares that General Russell urged the State Department to call for Doctor Millspaugh's resignation because the latter attacked our official extravagance:

"The department of public works has spent millions of dollars of Haitian money without an accounting to the people. When the Americans came in 1915 they immediately abolished the Haitian Chamber of Accounts and promised to give the Haitians a more modern and efficient system of accounting. For 13 years that promise never has been fulfilled. Doctor Millspaugh requested the State Department to send expert accountants to Haiti."

These are grave accusations. They include assertions that a mysterious fire recently burned unaudited accounts and vouchers and that Haitian road making has consulted American convenience rather than Haitian needs. There are two special reasons why such accusations should be cleared up as quickly as possible. One is that they are apparently believed by a considerable part of the Haitian public and press. The other is that it has unquestionably been part of American policy in Haiti to provide large public improvements in a minimum of time and with a minimum of Haitian opportunity for discussion or control.

Mr. KING. Mr. President, authentic information which I am receiving from Haiti confirms the statements made by Captain Marshall. Quite recently three journalists—MM. Jacques Roumain, Elie Guerin, and Georges Petit—were incarcerated because they published articles not approved by the military dictatorship in Haiti. May I say that when the Pan American conference was held in Habana two of the leading jurists of the Western Hemisphere embarked from Haiti to participate in the conference. They, at the request of those in control of Haiti, were arrested, prevented from landing, and returned to Haiti. The three journalists just mentioned while imprisoned were treated with harshness, their principal jailer being an American officer. In order to prevent criticism of the autocratic régime governing Haiti, a so-called law was recently promulgated which makes it an offense for any person outside of Haiti to criticize the so-called President of Haiti or officials therein. This measure had the approval of the high commissioner, and it was designed, it is believed, to prevent Americans from visiting Haiti who had criticized the military government of Haiti. Already there are evidences that the military régime is preparing to have Mr. Borno, the puppet President of Haiti, chosen for the third time. A Haitian of high character and ability declares that—

If the occupation succeeds in this scheme this puppet will exercise for six years longer the authority given him. This will mean that Borno will enjoy 14 years of power with the help of American bayonets. This so-called reelection would be a violation of the constitution forced upon Haiti. It is stated in the third paragraph of article 72 of the constitution of 1918 that the reelected President can not be chosen a third time before an interval of four years.

However, any constitution forced upon the people is modified to suit the will of the military authorities. The same Haitian whom I have just quoted states:

With the present electoral law twice modified by Mr. Borno there is no possibility of free election. If there is any election decreed and that law is not abrogated or amended, the voting will be a cynical mockery of universal suffrage.

Mr. President, I have here many letters and communications received from Haitians as well as from Americans, showing the deplorable and unsatisfactory conditions in Haiti. I shall not take the time of the Senate to examine them. I wish, however, to call attention to a book entitled "Occupied Haiti," prepared by a committee of American citizens who recently visited Haiti and made a searching investigation into the political, economic, and social conditions there existing. The committee consisted of Dr. Paul H. Douglass, professor of industrial relations at the University of Chicago; Miss Emily Greene Balch, of Wellesley, Mass.—Miss Balch is a distinguished educator and lecturer—Charlotte Atwood, a graduate of Wellesley and a teacher of English in Washington; Zonia Baber, of Chicago, former professor of geography in the University of Chicago School of Education; Mrs. Addie Hunton, head of the International Council of Women of the Darker Races; and Mrs. J. Harold Watson, representing the Fellowship of Reconciliation.

In the report which they made and which, as stated, is published under the title of "Occupied Haiti," they state that they found—

The problem in Haiti to consist not in individual instances of misused power but in the fundamental fact of the armed occupation of the country.

On page 1 of the volume this appears:

Yet this country (Haiti), the independent sovereignty of which is solemnly recognized by the United States, as well as by all other countries, and which is a full member of the League of Nations, has been occupied by the United States by force of arms, kept down by force of arms, and administered for 11 years at a very considerable cost to ourselves as taxpayers and a much heavier cost, both in the world at large and more especially in Latin America, to our standing as a respecter of the liberties of others. The most disconcerting aspect of the whole affair is that it is possible to do what has been done in Haiti, directly contrary as it is to all our principles and professions, without any popular demand for such action, without its ever being proposed or debated beforehand, and with so little realization in the United States that it has been done.

Mr. President, I desire to call attention briefly to a few additional statements contained in this report. Chapter 2 is devoted to the political history of the occupation, and shows the unjustifiable course pursued by the United States in seizing Haiti. It shows that efforts were made by the United States to force a treaty upon the Haitians under which the sovereignty of the Haitian Government would be destroyed and the Haitian people made subject to the control of the United States.

On page 21 the statement is made that Admiral Caperton, who had been sent there by the United States with war vessels, seized the customhouses and collected the revenues; that to force ratification of an unjust treaty he brought pressure upon the Haitian Government and carried out instructions which he received from Washington to the effect that if the treaty were not ratified "the United States would retain control in Haiti until the desired end was accomplished, and that it would forthwith proceed to the complete pacification of Haiti."

Of course, this was a threat to use military force, and at that time large detachments of marines were in Haiti and American warships were in Haitian ports.

On page 23 the report states that—

\* \* \* As the treaty was forced through under duress, it is difficult to maintain that Haiti is morally bound by its provisions. \* \* \*

On page 24 the statement is made that—

\* \* \* the National Assembly was dissolved by the American officers, and that the American occupation proceeded a second time to dissolve a Haitian Congress, and Maj. Smedley D. Butler, United States Marine Corps, who, as head of the gendarmerie, had also the Haitian rank and pay of a major general, was sent with other officers to accomplish the act. These officers carried out their instructions fully armed. The doors of the National Assembly were then locked in order to prevent the



assembly from entering the chambers again, and since then no Haitian Congress has been allowed to convene.

The report states that—

\* \* \* under the American occupation the Government of Haiti is made into a self-perpetuating oligarchy.

On page 32 this statement appears:

It is obvious that as a matter of fact the real power in Haiti is exercised not by the Haitian officials but by the American occupation. \* \* \* The United States also effectually controls all legislation in this "sovereign and independent" State. Proposed laws must be submitted to the American Legation and to the American high commissioner before they can be enacted by the Council of State, now acting in lieu of an elected national assembly. The occupation is thus essentially supreme. Up until 1922 the ranking officer of the United States marines in Haiti was also the representative of the American Government, and although the lines of authority between the American commander and the American minister to Haiti were not always clear, the military character of the occupation was quite evident.

The report stated (p. 33):

Major General Russell was appointed by the President as high commissioner and since then no minister to the country has been appointed. General Russell is therefore at once the representative of the State Department and of the Navy, and even though he makes the legation his headquarters and appears primarily as a civilian, our occupation is nevertheless a thinly disguised military control. Thus the American powers over Haiti are in reality almost complete. American approval is needed for the enactment of laws, the revenues of the country are collected under the supervision of Americans, and the budget is drawn up by the American financial adviser. The financial adviser scrutinizes all vouchers and withholds payments that he believes to be not in conformity with the principles of the budget or with efficient administration. The control over the gendarmerie is in American hands, as are also the services of health and public works and agriculture.

The report states that American officers are in many cases officers of the Marine Corps and in receipt of their regular salaries from the United States, who receive additional salaries out of the Haitian treasury.

Reference is made in the book from which I am reading to a report of Gen. George Barnett—

For the period ending June 30, 1920, which stated that 2,250 Haitians had been killed by American military forces, but the Haitians believed the real number to be much greater. The report of the Secretary of the Navy for 1920 gives the Haitian killed in 1919 alone as 1,861.

Senators who are interested in the tragic record of occupation should read some of the testimony given before the Senate committee, of which Senator McCormick was chairman.

Reference is made in the report to the imprisonment of a large number of journalists and editors because of their criticism of the American occupation. The committee stated their conclusions and recommendations in chapter 15 of "Occupied Haiti," at page 149, as follows:

Our relations with Latin America are poisoned by the feelings roused by several instances of this imperialistic tendency on the part of the United States and of all these instances our actions in Haiti are perhaps the most flagrant. \* \* \* The authors of this report believe that the occupation should be ended for the sake of Haiti, for the sake of the United States, and especially for the sake of good relations among all American Republics, and finally because it is in itself an unjustified use of power.

Reference is made to a resolution which I offered in April, 1926, the resolving part reading as follows:

*Resolved*, That the Committee on Foreign Relations is directed to consider the statements and claims herein set forth and report to the Senate measures which shall permit the Haitian people to set up and establish a government of their own choice, and assume control of their own government and their own civil and political affairs, and which shall provide for the withdrawal from Haiti of all military forces of the United States and all officers—military, naval, and otherwise—except only regularly accredited diplomatic representatives or consular agents as may be agreed upon by the Government of the United States and the Government of the Haitian Republic.

The committee recommend that—

The treaty officials should be withdrawn and actual self-government restored as soon as affairs can be got into such shape as to make it practicable to evacuate the country. (153.)

It is recommended that "elections be held to choose senators and deputies as well as other officials."

An excuse has been made for our occupation of Haiti, that there were obligations due to American capitalists. I have

examined into this question and assert that there is no merit in such contention. Doctor Douglas in the report states:

The probable reasons for such a demand are not very clear, since practically all of the external debt was held in France, while the Haitians had, moreover, met virtually all of the interest payments and were only in default for some of the amortization payments.

France at that time, as Senators know, was at war. Haiti had met her obligations, most of which were due to France, and France was making no demands whatever upon Haiti. Doctor Douglas calls attention to the fact that the National City Bank of New York had insinuated itself into Haiti prior to American occupation and obtained control, in part at least, of the national bank of issue. I quote from Doctor Douglas:

The bank had been apparently anxious for some time to secure American control over the Haitian customs, since a message from the United States minister in Haiti to our State Department in July, 1914, stated that the bank was planning to refuse to renew the budgetary convention in order that the Haitian Government should be rendered financially helpless and be compelled to ask for American assistance.

This observation by Doctor Douglas is worthy of note:

It is just this condition that the bank desires, for it is the belief of the bank that the Government when confronted by such a crisis would be forced to ask the assistance of the United States in adjusting its financial tangle and that American supervision of the customs would result.

Mr. President, there are many who believe that there was a conspiracy by certain American capitalists to gain control of the fiscal affairs of Haiti and to bring about military occupation by the United States. Since we have been in control we have provided for the issuance of \$40,000,000 of bonds, though when we took possession of Haiti her bonded indebtedness was less than \$16,000,000. Under American control the indebtedness of the Government has greatly increased. It is believed by many that this large bonded indebtedness commits the United States to remain in control of Haiti for an indefinite period and certainly until 1956, the date of the maturity of the bonds.

The Haitians see in these bond issues, and the military control of their country, and the acquisition of Haitian lands by American capitalists, a purpose to continue for an indefinite period the control of their country by a foreign power.

Mr. President, I desire to read from a pamphlet entitled "The Seizure of Haiti by the United States," issued in April, 1922, by the Foreign Policy Association of New York, indorsed and distributed by the National Popular Government League of Washington. It is signed by 24 lawyers of high standing, among them Prof. Zechariah Chafee, Jr., of Harvard University; Prof. Felix Frankfurter, of Harvard University; George Kirchwey, of New York; and Moorfield Storey, of Boston. The "conclusions" of these eminent lawyers are as follows:

First. The presence of our military forces in Haiti after the disturbances of July 27-28, 1915, had quieted down, was violative of well-recognized American principles.

Second. The seizure and withholding by our forces in 1915 of Haitian national funds was a violation of international law, and of the repeated professions by responsible American Government officials of our position and attitude toward Latin-American Republics and weaker governments.

Third. The imposition and enforcement of martial law without a declaration of war by our Congress and the conduct of offensive operations in Haiti by Admiral Caperton prior to the acceptance of the treaty by Haiti were equally clear violations of international law and of our own Constitution.

The PRESIDING OFFICER. The Senator from Utah will suspend while the clerk reads an announcement by the Chair.

The legislative clerk read as follows:

The hour of 3 o'clock having arrived the unanimous-consent agreement heretofore entered into will be in force and no Senator shall speak more than once or longer than 10 minutes upon the pending bill or any amendment thereto.

The PRESIDING OFFICER. The Senator from Utah will proceed.

Mr. KING. I continue reading:

Fourth. The methods employed by the United States in Haiti to force acceptance and ratification of the treaty framed by the United States—namely, the direct use of military, financial, and political pressure, violate every canon of fair and equal dealing between independent and sovereign nations and of American professions of international good faith.

Fifth. The maintenance in Haiti of any United States military force or of the control exercised by treaty officials under cover of the treaty of September, 1915, amounts to a conscious and intentional participation in the wrong of the original aggression and coercion.

Sixth. The present native government of Haiti, chosen in 1915, unsupported by any elected representative since 1917, being now at the end of its term of office, no negotiations should take place with such government which involve the future of Haiti or which can in any material respect affect its future.

Seventh. The functions of a department of colonies and dependencies assumed by the Navy Department and conferred on it by mere Executive action are unauthorized by Congress and by other sanction of law, and should be condemned as essentially illegal and as a usurpation of power.

Eighth. We declare, without qualification, that the honor and good name of the United States, the preservation of the sovereignty and the cherished liberty of Haiti and her right to fair dealings on the part of the United States, as well as the possibility of assuring the continuance in the future of honorable and amicable relations between our country and Latin America, based on trust and confidence, all require:

(a) The immediate abrogation by the United States of the treaty of 1915, unconditionally and without qualification.

(b) The holding of elections of representatives to the legislative bodies of Haiti and of a President by the free will of the people at an early day.

(c) The negotiation of a new treaty with a new Haitian administration for friendly cooperation between the United States and Haiti upon such terms as shall be mutually satisfactory to both countries and by the methods that obtain between free and independent sovereign states.

Frederick Bausman, Seattle; Alfred Bettman, Cincinnati; William H. Brynes, New Orleans; Charles C. Burlingham, New York; Zechariah Chafee, Jr., Cambridge; Michael Francis Doyle, Philadelphia; Walter L. Flory, Cleveland; Raymond B. Fossdick, New York; Felix Frankfurter, Cambridge; Herbert J. Friedman, Chicago; John P. Grace, Charleston, S. C.; Richard W. Hale, Boston; Frederick A. Henry, Cleveland; Jerome S. Hess, New York; William H. Holly, Chicago; Charles F. Howland, New York; Francis Fisher Kane, Philadelphia; George W. Kirchwey, New York; Louis Marshall, New York; Adelbert Moot, Buffalo; Jackson H. Ralston, Washington, D. C.; Nelson S. Spencer, New York; Moorfield Storey, Boston; Tyrrell Williams, St. Louis.

Mr. President, I commend to the Senate and to the American people the solemn declarations of these eminent legal authorities. Their views should have weight in this body as well as with the American people. Let us retrace our steps; let us return to the Haitian people the country which is theirs. Let us withdraw our military forces and leave the Haitian people in undisputed control of their own Government.

Mr. President, when the vote shall be taken later I sincerely hope that my amendment will be adopted.

The PRESIDING OFFICER. The amendment proposed by the Senator from Utah will lie on the table. The next amendment of the committee will be stated.

The next amendment of the Committee on Appropriations was, under the heading "Public works, Bureau of Yards and Docks," on page 33, after line 2, to insert:

Navy yard, Puget Sound, Wash.: Extension of Dry Dock No. 2 (limit of cost, \$700,000), \$400,000.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Aeronautics, aviation, Navy," on page 35, line 14, after the word "equipment," to strike out "\$12,170,000" and insert "\$12,310,000"; in line 16, after the word "exceed," to strike out "\$160,000" and insert "\$300,000"; and on page 36, line 11, after the words "in all," to strike out "\$31,360,000" and insert "\$31,500,000," so as to read:

For aviation, as follows: For navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1929, \$1,155,000; for maintenance, repair, and operation of aircraft factory, air stations, fleet, and all other aviation activities, testing laboratories, for overhauling of planes, and for the purchase for aviation purposes only of special clothing, wearing apparel, and special equipment, \$12,310,000, including \$230,000 for the equipment of vessels with catapults and including not to exceed \$300,000 for the procurement of helium, of which sum such amounts as may be required may be transferred in advance to the Bureau of Mines; for continuing experiments and development work on all types of aircraft, including the payment of part time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicians as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding \$20 per diem for any

person so employed, \$2,000,000; for drafting, clerical, inspection, and messenger service, \$820,000; for new construction and procurement of aircraft and equipment, including not to exceed \$774,000 for the Naval Reserve, \$14,215,000, of which amount not to exceed \$10,000,000 shall be available for the payment of obligations incurred under the contract authorization for these purposes carried in the navy appropriation act for the fiscal year 1929, approved May 21, 1928 (45 Stat. 637); toward the construction of one of the rigid airships as provided in the act authorizing construction of aircraft, etc., approved June 24, 1926 (U. S. C., Supp. I, p. 223, sec. 749a), \$1,000,000; in all, \$31,500,000, of which \$248,000 shall be available immediately; and the money herein specifically appropriated for "aviation" shall be disbursed and accounted for in accordance with existing law and shall constitute one fund.

The amendment was agreed to.

The next amendment was, under "Increase of the Navy," on page 45, line 7, after the word "authorized," to strike out "\$22,750,000" and insert "\$28,550,000, of which \$500,000 shall be available toward the construction of the second five light cruisers, the construction of which is authorized by the act approved February 13, 1929, to be undertaken during the fiscal year 1930," so as to make the sentence read:

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized, \$28,550,000, of which \$500,000 shall be available toward the construction of the second five light cruisers, the construction of which is authorized by the act approved February 13, 1929, to be undertaken during the fiscal year 1930, and, in addition, the Secretary of the Treasury is authorized and directed to make transfers during the fiscal year 1930 from the naval supply account fund to this appropriation of sums aggregating \$2,000,000, and the total sum hereby made available shall remain available until expended.

Mr. BLAINE. Mr. President, I desire to ask the Senator in charge of the bill for some information with respect to the amendment proposed by the committee on page 45, line 7. What is contemplated will be done with the \$500,000 for the construction of the second five light cruisers?

Mr. HALE. Mr. President, that \$500,000 is simply a small amount that is taken out of the amount that was included in the estimates sent up by the Budget to us and is for the purpose of starting the second lot of cruisers, which under the terms of the cruiser law are to be started before July 1, 1930. It can be used for any purpose to start those cruisers.

Mr. BLAINE. I have not yet the information I am seeking. The Senator speaks of starting the second lot of five light cruisers. What does he mean by starting them? What does he propose to do with the \$500,000? On what is it going to be expended? He can not build five cruisers for \$500,000.

Mr. HALE. The Senator is quite right about that. I will say to the Senator that if he will turn to page 46 of the bill, line 4, he will find the words "of which \$200,000 shall be immediately available toward the construction of the first five light cruisers, the construction of which is authorized by the act approved February 13, 1929, to be undertaken during the fiscal year 1929." This \$200,000 is to be used for gun forgings of guns that will be used on the first lot of five light cruisers, and that in itself, according to the ruling of the Judge Advocate General of the department, and I think he is correct in his ruling, is sufficient to be considered as starting the first lot of five cruisers. In the same way we have provided a small amount for the beginning of the second lot of cruisers.

Mr. BLAINE. That is \$500,000?

Mr. HALE. Yes; during the calendar year 1930.

Mr. BLAINE. What does the Senator propose to spend the \$500,000 for? I know it is on the five cruisers, but on what items?

Mr. HALE. I have no information as to just what it will be used for. It will be used either for starting more gun forgings for the second lot of cruisers or for anything that has to do with the ships. It is an appropriation which enables us to start the ships under the terms of the cruiser bill in 1930 as provided by the law.

Mr. BLAINE. As I understand it, of the first five cruisers three will be constructed in our own navy yards.

Mr. HALE. That is true, under the provisions of the cruiser law.

Mr. BLAINE. And of the second five, two will be constructed in our own navy yards and three under contract. That is the way it works out?

Mr. HALE. That is true. That is the way it will work out. In any event we know that every other cruiser will be constructed in a Government yard.

Mr. BLAINE. It is admitted, I assume, that there is no real actual work of any consequence that can be begun upon the first five cruisers before the 1st of July?



Mr. HALE. No great amount will be begun; no, but the plans will be prepared and a certain amount will be expended on gun forgings which are to be used on the ships.

Mr. BLAINE. Then after the expenditure of that certain amount the Government will in effect be obligated to construct those cruisers and Congress will be obligated to make the necessary appropriations in the future. I assume that is also true with respect to the second five cruisers?

Mr. HALE. That is true with respect to the \$500,000 for the second lot of cruisers. It simply follows out the provisions of the cruiser law, in the opinion of the committee.

Mr. BLAINE. Is it not an unwise and uneconomic policy to actually appropriate specific funds not only for the first five cruisers but also the second five cruisers in this haphazard piecemeal way?

Mr. HALE. I do not think it is haphazard or piecemeal.

Mr. BLAINE. I assume that the President and the Budget Bureau had that very thing in mind when they recommended that we enter upon this naval program beginning July 1, 1929. It would seem to me that that would be the sensible thing to do in working out the financial policy for the next administration. These ships are not going to be built in a year. It will probably take nearly three years to complete a ship. Those which are constructed under contract by private parties I assume can be constructed much more cheaply if the private parties know exactly the extent of the contracts into which they might enter instead of entering into piecemeal contracts.

Is it not a better plan to take five of the cruisers and enter upon the construction of those five cruisers, spreading out over the three years the amount that the five cruisers may cost, something like \$85,000,000, and then in another year begin the program on the second five cruisers and spread that cost over a 3-year period, and likewise with the third set of cruisers. If we shall find that the navy yards are unable to go that fast then withhold the appropriations until the Government is certain that it can pursue a construction program that is continuous, that will not be interrupted, that will not be piecemeal and haphazard.

It seems to me that the President had that in mind when he made the recommendation; it seems to me that the Budget Bureau had that in mind when it made the recommendation. It would seem to me that if the 10 cruisers for which appropriations are proposed by this bill are begun, then it will become necessary to come to Congress for future appropriations. That which may be expended from time to time is going to be a considerable investment, and that investment ought to be safeguarded without any long intermission between the actual work upon the cruisers.

It would seem to me that if that program shall be adopted, then we are going to bring upon the next administration a financial situation which may have a decidedly dangerous effect upon the public finances; in other words, the amount of money that has been appropriated by this Congress and that will be appropriated and the amount for which we are obligating the Government and obligating Congress to make future appropriations for may, in all probability, bring on a financial crisis.

The PRESIDING OFFICER. The time of the Senator from Wisconsin on the amendment has expired. He now has 10 minutes on the bill.

Mr. BLAINE. I will now speak on the bill. I can conceive that there is great difficulty now in maintaining a balanced budget. If we are to accept the President's declarations as correct—and I presume they are correct, as he has obtained his information from the Budget Bureau, which, no doubt, is able to make an approximately accurate estimate—the Government of the United States financially is about to go on the rocks; and it is now proposed to drive that Government by swifter methods against the very dangers that have been pointed out by the President.

Mr. HALE. Mr. President, the Senator from Wisconsin does not really think that the Government of the United States is going on the rocks, does he?

Mr. BLAINE. I am speaking now about balancing the Budget. I want to say in these times, if it becomes necessary for the Government of the United States to issue bonds to pay current expenditures, that it will be very nearly upon the rocks. The Senator from Maine understands that I do not suggest that the Government will become insolvent, but the financial interests of the country will feel the shock the very moment the Federal Government may be required to issue bonds or temporary certificates of indebtedness in order to take care of these increased appropriations.

Looking into the future, I suggest, Mr. President, that we shall meet the full demands of the bill authorizing the 15 cruisers if we go about it in a sensible way and prepare for

five cruisers at a time, outline a financial program here of three years for the building of those five cruisers, accept the advice of the President of the United States and of the Budget Bureau, especially with respect to the financial condition of the Public Treasury, and thereby permit other necessary and probable undertakings of the next administration which will be initiated during the approaching special session.

I want to point to the fact, Mr. President, and call the attention of the chairman of the committee to it, that, as I understand, the special session which is about to be called will consider two problems: One, the tariff. That goes to the very basis of the financial affairs of our Government. We can not predict what may be done on the tariff bill. The other proposition is one concerning farm relief and, as I understand the program to be, it involves the appropriation of five hundred or six hundred million dollars for the creation of a revolving fund. I do not know exactly what the plan is, but the financial scheme that is designed by the proponents of farm relief for the special session is such as will place a tremendous drain upon the Treasury of the United States. If we obligate the Government and its finances and its Treasury to these large expenditures for naval construction, then, Mr. President, the excuse will be offered not only upon the floor of this House but as well in both Houses of Congress, that the Treasury will not be able to stand the shock of appropriating the necessary funds that may be required to redeem the pledges made by the majority party as well as by the minority party in this country.

So I think we ought to go slow in this matter. I am willing to carry out the program which has been authorized, but I am willing to carry it out only in a sensible, logical way, so that the greatest economies will flow to the Government as well as the greatest efficiency be insured in the building of the cruisers, bearing in mind the very probable result that if we do carry out the 5-cruiser program beginning July 1 we will be able to construct those cruisers much more cheaply than if we dash into a 10-cruiser program now.

The PRESIDING OFFICER. The question is on the committee amendment on page 45, beginning in line 7.

#### STANDARD OIL CO. OF INDIANA

Mr. NORRIS. Mr. President, in the contest that is going on between John D. Rockefeller, jr., and Mr. Stewart, of Standard Oil fame, Mr. Stewart recently issued an address to the stockholders of the Standard Oil Co. of Indiana in which he made statements that, according to my recollection of the facts, were not true. Recently, within the last day or two, I had a talk with ex-Senator Pomerene, one of the attorneys representing the Government in the oil scandal cases. He related to me certain facts that absolutely contradicted the statements which Mr. Stewart had sent out to the stockholders for the purpose of securing their votes.

Just a few moments ago there was handed to me a copy of the St. Louis Post-Dispatch of February 19. I notice in that newspaper an interview with ex-Senator Pomerene and Mr. Roberts, the two attorneys who represented the Government, and who still represent the Government, in the oil cases. Since the interview bears out the statement made to me by former Senator Pomerene, I think I ought to read it to the Senate as an interesting chapter in the oil investigation. The interview was written by Paul Y. Anderson, a staff correspondent of the St. Louis Post-Dispatch. It is dated Washington, February 19, and reads as follows:

Owen J. Roberts and Atlee Pomerene, who conducted the prosecutions for the Government in the famous oil trials, declared here to-day that Robert W. Stewart, head of the Standard Oil Co. of Indiana, deliberately deceived them about his knowledge of the Liberty bonds distributed by the Continental Trading Co., and that he withheld all information that would have assisted the Government in the prosecution of Harry F. Sinclair.

Pomerene added that Stewart's testimony before the grand jury investigating the Sinclair case was such that Government counsel would have sought his indictment on a perjury charge if the statute of limitations had not expired before they learned the truth.

Not only did Stewart deceive them about his knowledge of who got the Continental bonds, Roberts and Pomerene said, but he avoided testifying in the Government's civil suit to recover the Teapot Dome naval oil reserve, subsequently giving the excuse that he "wasn't looking for trouble."

#### PROFITS FROM DUMMY CONCERN

As has often been told, the Continental was a dummy corporation secretly organized to buy a large quantity of oil from A. E. Humphreys, a Texas operator. It paid Humphreys \$1.50 for oil, then sold it at \$1.75 a barrel to companies controlled by Stewart, Sinclair, and James E. O'Neil. All the profit of more than \$3,000,000 thus realized was invested in Liberty bonds and divided between Stewart, Sinclair, O'Neil,

and Harry M. Blackmer. Sinclair afterwards used a part of his share in bribing Secretary Fall for the Teapot Dome lease, an act which ultimately led to the exposure of the whole transaction.

Stewart's participation in the profits had not been disclosed when he appeared last year before a Senate investigating committee.

I wish the Senate would remember that statement. Up to the time that Stewart appeared before the Senate investigating committee his activity and his part in this disreputable transaction had not been disclosed.

When asked if he knew who got the bonds, he declined to answer.

This was before the Senate committee.

He based his refusal on the ground that he had been summoned as a witness for the Government in the criminal trial of Sinclair, then pending, had testified before the grand jury, and had been interrogated by Government counsel. He said he considered it his duty "as a citizen" to reserve his information for the court instead of giving it to the committee.

Later on Mr. Anderson quotes from his testimony before the committee.

A similar defense of his refusal to testify—on the ground that he expected to testify in the Sinclair trial—also was contained in a statement recently issued by Stewart to the stockholders of the Standard of Indiana, in the course of his fight with John D. Rockefeller, jr., over control of that company.

#### SAYS STEWART WITHHELD FACTS

Roberts and Pomerene, who are here to argue a case before the Supreme Court, to-day had their attention called to Stewart's statements. They were asked whether Stewart, prior to the Sinclair trial, had divulged to them his knowledge of the Continental bond transaction.

"He did not," was Roberts's emphatic reply. "On the contrary, he told us he didn't know anything about it. We asked him who was interested in the Continental, and he said he didn't know. We asked him who got the bonds, and he said he didn't know, and didn't want to know. All we got out of him was a refusal to give us any information that would be of any help to us in preparing the case against Sinclair. His pretense before the Senate committee that he had given us the facts about the matter was a rank subterfuge."

"It was worse than that," declared Pomerene. "He deliberately did everything in his power to shield Sinclair. For Stewart to pretend that he was cooperating with the Government in its preparation for that trial is an exhibition of brass which is almost incredible. The information in his possession concerning the distribution of those bonds would have been materially helpful to the Government's case. He did not disclose a word of it. He said he didn't know who got the bonds."

#### SAID HE SUSPECTED HUMPHREYS

"I asked him if he had any theory about who got them, and he replied that he had always suspected that Humphreys got them, and that the Continental was rigged up by Humphreys to gouge the buyers of the oil out of an extra 25 cents a barrel."

So far as I know, nobody has ever cast any suspicion of reflection upon Mr. Humphreys in this oil transaction. He had oil to sell. He sold it for \$1.50 a barrel to Stewart and the others with him, and they had it turned over to the Continental Trading Co., and then bought it on behalf of their stockholders for \$1.75 a barrel.

Continuing to quote from Senator Pomerene:

"He completely deceived us about his own connection with the matter. We were astounded when we learned later that he had received \$760,000 of the bonds, and I don't mind telling you that if three years had not expired since his testimony before the grand jury, we would have asked for the indictment of the gentleman on a charge of perjury."

The PRESIDING OFFICER. The time of the Senator from Nebraska on the amendment has expired. He has 10 minutes on the bill.

Mr. NORRIS. That is the end of the quotation from Senator Pomerene. Mr. Anderson goes on:

When the Government filed suit in the United States District Court of Wyoming to recover the Teapot Dome reserve from Sinclair, Stewart was summoned as a witness. Later the trial was postponed, and it was necessary to subpoena the witness again. There was some delay about serving Stewart, in consequence of which a United States marshal at Chicago was discharged by President Coolidge. When the difficulty was discovered Stewart had gone to South America. Efforts to learn his address from his Chicago office were unsuccessful, and the case was tried without his presence.

#### STEWART STAYED OUT OF CASE

Roberts and Pomerene learned afterwards that Stewart had returned to this country a few days before the case was called and was in New York. When they demanded to know why he had not apprised them of the fact, he replied, Pomerene said, that he "wasn't looking for trouble."

It will be recalled that John D. Rockefeller, jr., in his testimony before the Senate committee, related that he, too, had asked Stewart if he knew who got the proceeds of the Continental deal, and that Stewart had refused to tell, again giving as his reason the fact that he had been summoned as a witness in the Sinclair case and was determined to reserve the facts for that occasion.

In giving to the Senate committee his reasons for refusing to testify to his knowledge of who got the Continental bonds, or whether he had ever discussed the transaction with Sinclair, Stewart said:

This is a quotation from Stewart's testimony under oath before the Senate committee:

I am a witness in a case which is now pending between the Government and some defendants (Sinclair and Fall). I have been interrogated on the subjects by counsel appointed to represent the United States in that case, along lines which make me think that the issues in that case are the same ones your are attempting to interrogate me about here.

The Government is entitled, and the defendants are entitled, to ask me such questions as they desire upon the trial of this case, and it is to be left to a judge learned in the law to determine the relevancy, materiality, and competency of the testimony. They have a right to cross-examine and reexamine, and it seems to me, with all due deference to this committee, that there is the place for me to give this testimony.

It seems to me, Mr. President, in view of the statements that Mr. Stewart has made to the stockholders of the Standard Oil Co. of Indiana, and in view also of the startling statement of the Government attorneys, made now for the first time, so far as I know, that Stewart's testimony before the grand jury under oath was absolutely contradictory of his testimony under oath before the Senate committee, the stockholders as well as the country ought to know the truth. After his testimony before the grand jury three years expired before his testimony before the Senate committee, which meant that the statute of limitations had run; and, as these attorneys say, had it not been for that technicality, they would have caused his indictment and trial for perjury committed before the grand jury in his testimony there.

#### NAVAL APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

The PRESIDING OFFICER. The question is on the amendment of the committee on page 45, beginning in line 7.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	Mayfield	Smoot
Barkley	Gerry	Moses	Steak
Bingham	Glass	Neely	Steiger
Black	Glenn	Norbeck	Stephens
Blaine	Goff	Norris	Swanson
Blease	Gould	Nye	Thomas, Idaho
Borah	Hale	Oddie	Thomas, Okla.
Bratton	Harris	Overman	Trammell
Brookhart	Harrison	Phipps	Tydings
Broussard	Hastings	Pine	Tyson
Bruce	Hawes	Pittman	Vandenberg
Burton	Hayden	Ransdell	Wagner
Capper	Heflin	Reed, Pa.	Walsh, Mass.
Caraway	Johnson	Robinson, Ind.	Walsh, Mont.
Couzens	Jones	Sackett	Warren
Curtis	Kendrick	Sheppard	Waterman
Deneen	King	Shipstead	Watson
Dill	McKellar	Shortridge	Wheeler
Edge	McMaster	Simmons	
Fess	McNary	Smith	

The PRESIDING OFFICER. Seventy-eight Senators having answered to their names, there is a quorum present.

The question is on agreeing to the amendment of the committee on page 45.

Mr. DILL. Mr. President, I want to offer an amendment and have it pending. I would like to have it read.

The PRESIDING OFFICER. The amendment will be read, and will lie on the table.

The CHIEF CLERK. On page 44, at the end of line 19, add the following:

*Provided*, That no part of this appropriation shall be used to maintain marines in Nicaragua, or to transport marines to and from Nicaragua.

Mr. KING. Mr. President, I was about to inquire, in my own time, of the Senator from Maine, if he will not accept an amendment to the committee amendment found on page 45, which would delay the expenditure of the appropriation of \$500,000 until the calendar year 1930. I propound the inquiry with the understanding that the bill, as amended by the committee, would



authorize the commencement not only of 5 cruisers but of 10 cruisers this year. If I am in error, I should be glad to be advised.

Mr. HALE. Mr. President, I do not think the bill would authorize the starting of 10 cruisers this year.

Mr. KING. I am speaking in my own time; but may I ask the Senator if it is not a fact that this \$500,000 is expected to be expended commencing on the 1st day of July of this year?

Mr. HALE. I do not think the department will go ahead and spend it on the 1st of July, or within a number of months of that time.

Mr. KING. But they are authorized, and might expend it, or contract for its expenditure, on the 1st day of July.

Mr. HALE. They are authorized to expend it at that time, but I do not think they will. I think this whole matter will go along in a regular, orderly way. They will expend \$200,000, starting the first batch of cruisers, at the end of this year, and presumably will spend the \$500,000 on the second batch in an orderly way.

Mr. KING. Which is an orderly way? Will the Senator indicate what he regards as an orderly way for the expenditure of this \$500,000 for the second five cruisers? And does an "orderly" way have time limitations? Is it subject to any limitations? Does it not rest upon the discretion of the department?

Mr. HALE. Going ahead and starting the cruisers this year—

Mr. KING. The Senator refers to the first five?

Mr. HALE. The first five, with the \$200,000 that is authorized, as I have explained already, starting the gun forgings and the ships. I presume they will lay the ships down soon after the 1st of July, possibly not before the 1st of September. Then the appropriations carried in the bill will take them along through the fiscal year 1930. I can not tell the Senator exactly when, but some time before July, 1930, they will go ahead with the next batch of the ships, the second batch, with the \$500,000 to start them.

Mr. KING. I think this amendment offered by the committee should be rejected, unless it is amended. I agree with the statement made by the Senator from Wisconsin that the Government, having announced a policy of building 15 cruisers, Congress would be expected to make the necessary appropriations to execute that policy, but that does not require that the construction of 10 cruisers shall be undertaken during the calendar year 1929.

Mr. HALE. Nor will we do so.

Mr. KING. Ah, we do not know. Why does not the Senator consent to an amendment, if he is so sanguine that that will be the case, which will restrict the expenditure of any part of the appropriation for the second five cruisers until the calendar year 1930? Now, the Senator says that in an orderly way we may not approach the construction of the second five until the latter part of 1929.

Mr. HALE. Clearly, under the terms of the cruiser bill, we have not any authority to start the second batch of cruisers in the fiscal year 1929. Clearly, under the provisions of that bill, we can not start them until the fiscal year 1930.

Mr. KING. I do not agree with the Senator; but even if that were true—and I will concede for the sake of the argument that the Senator is correct—this amendment would be a modification of the cruiser bill, and, of course, the last legislative enactment controls, if there is any conflict. If this bill is passed in its present form, the Navy Department could promptly, on the 1st day of July of this year, undertake the construction of the second five cruisers. It is the position of the department and the committee reporting this bill that it will be empowered to begin work upon the first five vessels as soon as this bill becomes law. The Senator is compelled to admit that construction can be commenced on the second list at any time after June 30, 1929.

Mr. HALE. Mr. President, I have no desire or purpose in any way to break away from the terms of the cruiser bill, which I think was an excellent bill, and which was approved by a very large vote.

Mr. KING. I am not discussing the merits or the demerits of the cruiser bill. Let us confine ourselves to the question before us. We are already constructing six 10,000-ton cruisers—

Mr. HALE. Mr. President, will the Senator yield?

Mr. KING. I have only a few minutes.

Mr. HALE. I just want to clarify one thing.

Mr. KING. If the Senator will take it out of his own time, I shall be glad to yield.

Mr. HALE. Very well.

The PRESIDING OFFICER. The Senator from Maine consents to take the time out of his time.

Mr. HALE. I just wanted to say to the Senator that I have already notified the Senate that I expect to perfect the amendment by inserting in line 16, page 45, after the word "Navy," the words "except the amount of \$500,000 made available toward the construction of the second five light cruisers authorized by the act approved February 13, 1929."

Mr. KING. Mr. President, will the Senator—

Mr. NORRIS. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. NORRIS. Has not the Senator from Maine spoken on this amendment before?

The PRESIDING OFFICER. No; he is speaking in the time of the Senator from Utah.

Mr. NORRIS. I understood the Senator from Utah was not willing that he should do that.

Mr. KING. Mr. President, of course I am always happy to yield to my friend, and I shall occupy but a few moments.

The point I was making when interrupted, was that we are now constructing eight 10,000-ton cruisers, two of them having been recently launched. Six are on the ways. Undoubtedly we will learn lessons in construction in the building of these cruisers which will be of advantage in the construction of the 15 recently authorized. We must not commit the folly which has characterized our naval construction in the past. The Senator will recall that when Lord Fisher projected the dreadnaught, for years we blindly continued the policy of building battleships of an antiquated design, as a result of which they were obsolete or obsolescent before they were completed.

In the technique and types of naval construction we have too often lagged behind Great Britain and Germany. It is certain that if the United States were to construct the 8 cruisers authorized in 1924 and the 15 recently authorized, according to types and designs of the 1924 period, they would be inferior to those built by other countries since that date.

Let us learn the lessons taught by the construction of the six cruisers now on the ways, and which will not be completed for several years, before we rush into the construction of other vessels. It seems to me unwise and indeed absurd for those who are interested in the welfare of the Navy, as I am in a modern, scientific, and up-to-date Navy, not to avail themselves of the lessons to be learned in the construction of the six cruisers, before we undertake the construction of 5 or 10 of the 15 which have been authorized. Naval science is progressive, not stagnant, and it would be inexcusable folly to lay down 10 cruisers during this year, when we have 6 building, and have opportunity to profit from the experiences and lessons which can be derived from their construction, as well as lessons which we may learn from the construction of cruisers and naval craft in other countries. We have been told of a new type of cruiser recently built in Germany.

It must be evident even to reactionary and archaic naval boards that cruisers built five years from now will be different from those now being constructed. If we were wise, we would not follow old or even present types. We would move cautiously and prudently. To rush through the construction of 15 cruisers in three years and complete the 6 now on the ways, would be most unwise and injurious to our Navy. Some of them would be obsolete before they were completed. Fighting navies are not measured by the number of vessels. One giant capital ship of the *Hood* type would put to flight half a dozen dreadnaughts. If there is to be no limitation in naval armament, it is certain that war vessels of various types and categories will be developed that will be greatly superior to those of present-day design. The airplanes and submarines will become of paramount importance and naval warfare, both offensive and defensive, will take on new forms. In the light of these facts and the certainty of new developments it is extravagant folly and national vanity to throw into a 3-year hopper the construction of 21 cruisers, 6 authorized in 1924, and 15 in 1929.

I appeal to the Senator in the interest of a strong, modern, efficient, and adequate Navy, to modify his amendment and postpone till 1930 any work upon the second five cruisers.

Mr. SWANSON. Mr. President, it seems to me the Senate ought to understand this issue very clearly. There is no mystification about it. We fought here for nearly two weeks to determine whether we should have each year the construction of 5 cruisers, to begin 5 in the calendar year 1929, 5 in the calendar year 1930, and 5 in the calendar year 1931. After long and protracted debate, by an overwhelming majority the Senate decided that we should commence five cruisers each one of these years.

I want to explain to the Senate how moderate the committee has been.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. SWANSON. Let the Senator take his own time.

Mr. BLAINE. The Senator said calendar years. Does he not mean fiscal years?

Mr. SWANSON. I mean the fiscal year ending June 30, 1929, the fiscal year ending June 30, 1930, and the fiscal year ending June 30, 1931. That is what the Senate decided after long and prolonged debate.

A motion was made to strike out the provision for 15 and provide for the construction of only 10. But we decided on 15. Next was a motion to have no time limit to authorize 15, but to construct them only when the Budget thought proper and reported that they should be constructed. The Senate decided that it wanted five cruisers commenced each fiscal year. The time was fixed after prolonged debate. Now all this is a renewal of the fight made here when the Senate overwhelmingly decided that they wanted to have five cruisers constructed in each of these years.

To show how moderate the committee was, listen to what was done.

We are bound to undertake five before June 30, 1929. To carry out the spirit of that instruction and direction of the Senate, all we appropriate for the year ending June 30, 1929, is \$200,000 and we make it immediately available. That anyone should suggest a sum to undertake that construction might be less almost exceeds the imagination of man.

We then appropriate enough money available after the 1st of next July to continue the work of the construction of the five cruisers begun by the \$200,000 available immediately, in accordance with the instructions of the Senate as contained in the cruiser bill, and for that purpose we appropriate about \$10,000,000 or \$11,000,000. That is all. If it were less the work could not be done economically. We would have the men working 10 days and laying off 10 days. The department said they wanted more money, but that if they were given less it would cost the Government a great deal more, because less money could not be expended economically.

The next proposition of the committee was to undertake to construct five more cruisers before the 29th of June, 1930. We were instructed in the cruiser bill to do that. What did the committee do? All we have given for that undertaking is \$500,000, with which to undertake the next five cruisers, to carry out the directions contained in the cruiser law by direction of the Senate and by a large majority. That means that the first five cruisers are under construction and it means that, carrying out the instructions of the Congress, next year we will spend \$500,000 on the second five of the cruisers up to the 1st of July, 1930. If we were to do less than that, we would have to abolish the time limit which the Senate fixed here after prolonged debate of two weeks and by an overwhelming vote. We will have five cruisers under way with the least possible amount of money that can be used economically. Then to carry out the instructions of the cruiser bill we appropriate \$500,000 to start the second five for the next year. It is really a delay of one year, and I do not see how less money could be appropriated and still carry out the instructions of the Congress.

The amendment which disturbs the Senator from Utah [Mr. KING], as originally reported by the committee, proposed to appropriate \$500,000 and make it immediately available. That would have enabled the Government to start 10 cruisers. But that has been changed by an amendment which will be offered, if it has not already been offered, by the Senator from Maine [Mr. HALE]. To prevent any misunderstanding about it, as I understand the amendment to be offered by the Senator from Maine, it limits the \$500,000 to the second batch of cruisers. Consequently there will not be 10 in process of construction. During the next fiscal year, the fiscal year 1930, there will be the first five cruisers that will have about \$10,000,000 expended upon them, and there will be the second five merely started under the direction of Congress in the cruiser bill which will have expended upon them \$500,000.

It seems to me it is so fair, so modest, and so considerate of the Treasury that I can not see how anyone can antagonize, unless he does not want any cruisers constructed at all or wants to limit them to five in number. An effort was made to limit the number to five and it was rejected. Then an effort was made to limit the number to 10 and that was rejected. It seems to me unless it is the desire of Senators to have that fight all over again, exactly the fight we had here for two weeks when the cruiser bill was before the Senate, they would not be forcing the issue now.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. SWANSON. Certainly.

Mr. CARAWAY. I am frank to say I was out of the Chamber when the Senator began speaking. Under the appropria-

tion bill the Government may lay down five cruisers between now and the 30th of next June.

Mr. SWANSON. They may undertake five, and \$200,000 is made immediately available, to comply with the instructions of the cruiser law.

Mr. CARAWAY. Then there is an appropriation which they may use to lay down or undertake—whichever is the proper term—five more cruisers in the next year.

Mr. SWANSON. Before the 29th of June, 1930; and that is limited to \$500,000.

Mr. CARAWAY. Will the Senator tell me this, because I do not think I quite understood him. There will be a session of Congress convening in December next. What was the purpose of putting both provisions in the one bill now? I know there was some good reason; but what was it?

Mr. SWANSON. We have to appropriate now, because the cruiser law provides that we must undertake in each fiscal year five cruisers. The undertaking can be \$500,000 or \$1,000,000—

Mr. CARAWAY. I understand that.

Mr. SWANSON. And the general appropriation bill has always carried the provisions to enable us to undertake any increase of the Navy.

Mr. CARAWAY. The thing I am trying to get at—because nobody yet has explained it—is that there will be a Congress convening in December next; hence, what was the purpose of including items of appropriation so that this bill will carry the appropriation for laying down 10 cruisers instead of 5? I know there is a good reason for it, but I am asking the reason.

Mr. SWANSON. We will spend \$10,000,000 during the next fiscal year for the first five cruisers. Then we have provided that \$500,000 may be expended during that fiscal year on the second five cruisers.

Mr. CARAWAY. I understand that.

Mr. SWANSON. We have to have plans. Under the direction of the Congress those cruisers must be undertaken at that time. It is useless for us to come here in December and expect to appropriate for that purpose, because it will be along in January or February or March before the next Navy appropriation bill will come before the Senate, and it would be almost too late to make the money available for that fiscal year which would be 1930. It could not be put in the general appropriation bill because the funds appropriated by that bill are not available until the subsequent July for the ensuing fiscal year. This is the method that has always been followed.

Mr. CARAWAY. Is there anything unusual in this method?

Mr. SWANSON. Nothing in the world.

Mr. CARAWAY. We fought out the question of whether or not the time limit should be abolished. I thought it ought to have been and the Senator and those who agreed with him did not think so and they were in the majority. I recognize the right of the Senate to control.

Mr. SWANSON. We were directed by the Senate to undertake five cruisers during the present fiscal year.

Mr. CARAWAY. I understand that.

Mr. SWANSON. And five additional cruisers in the next fiscal year. We have proposed to appropriate the smallest possible amount, to wit, \$200,000, to carry out the instructions of the Congress to undertake the construction of the first five cruisers in this fiscal year. Then we have appropriated the smallest amount that anybody could possibly consider proper for the undertaking of the second five cruisers in the fiscal year 1930. That is carrying out the will of the Congress.

Mr. CARAWAY. I am not complaining about the amount. In fact, I am not complaining about anything in reference to it. But I hear the charge constantly made that it is attempting to lay down 10 cruisers when the Congress only authorized 5. As I understand it from the Senator from Virginia there is no justification for that charge.

Mr. SWANSON. Absolutely none; and nobody can prove it. The instructions of Congress were that five cruisers be laid down prior to June 29 of this year. Then it directs that five more cruisers shall be laid down prior to June 29 of 1930.

The PRESIDING OFFICER. The time of the Senator from Virginia on the amendment has expired.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state the inquiry.

Mr. HARRISON. We having passed a law providing for the beginning of the construction of five cruisers before the 30th of June, 1929, and five more during the next fiscal year ending June 30, 1930, and this proposal coming out of the committee making the money immediately available, would not a point of order to that provision be sustainable?

The PRESIDING OFFICER. Does the Senator from Mississippi make that point of order?



Mr. HARRISON. I am just propounding the parliamentary inquiry so I can get a rise out of the Senator from Maine.

The PRESIDING OFFICER. The Senator will excuse the present occupant of the chair from passing on that question.

Mr. BROOKHART. Mr. President, yesterday I explained some of the matters now brought to the attention of the Senate by the Senator from Virginia [Mr. SWANSON], but his persistent argument makes it necessary again to point out that this appropriation is for starting 10 cruisers and starting them now. In the first place, the \$500,000 is provided as an appropriation immediately available. In the second place, just below that paragraph, it is provided that all this money is available immediately. The Senator from Maine [Mr. HALE] is going to offer an amendment to that provision still leaving the \$500,000 immediately available.

The Senator from Virginia insists that that is a compliance with the cruiser law. I insist that it is not. I insist it is amending the cruiser law. It is changing the plan that was adopted here by a big majority. Here is \$200,000 that will start the five cruisers which are to be laid down before the 1st of July, 1929. That is all right. The cruiser law provided for that to be done. Then it calls for the next five cruisers to be laid down before the 1st of the next July, which will be July, 1930. But the Senator is providing an appropriation to do that right now instead of waiting until near the 1st of July, 1930.

Mr. HALE. When would the Senator have it done?

Mr. BROOKHART. I would do it in the regular session of Congress next December or January.

Mr. HALE. How would the Senator do it?

Mr. BROOKHART. In the same way that we are providing now the \$200,000. There is no occasion for this controversy to go on in this way.

Mr. SWANSON. Mr. President, if the Senator will permit me—

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Virginia?

Mr. BROOKHART. I yield.

Mr. SWANSON. The word "immediately," as I understand it, is not in the provision for the \$500,000, consequently it does not become available until the 1st of July, 1929. The word "immediately" has been stricken out.

Mr. HALE. It never was in there.

Mr. SWANSON. The bill speaks of the 1st of July as the time when the second five of the cruisers shall be commenced. How does the Senator understand that there can be 10 undertaken immediately?

Mr. BROOKHART. There is a provision for the appropriation contained in the bill on account of cruisers for increase of the Navy that it shall be immediately available.

Mr. HALE. That is made immediately available for certain purposes, for the pay of clerks and draftsmen, but not for the building of ships. In order to make it doubly sure I am putting in the words "except the amount of \$500,000 made available to be used for the construction of the second five cruisers."

Mr. BROOKHART. The Senator just now said it would be postponed until 1930 on the suggestion of the Senator from Utah. If this is not available until 1930—

Mr. SWANSON. It is immediately available after the 1st of July.

Mr. BROOKHART. If this is not going to be used until 1930 and we do not start the first five cruisers until the last of the fiscal year 1929, we ought not to start the second five cruisers until the last of the fiscal year 1930. We will have plenty of time and plenty of opportunity to make appropriation for the second five, the same as we are making now for the first five. Therefore unless it is going to tie us fast into the 10-cruiser policy, there is no need for urging that proposition at this time.

Mr. KING. Mr. President, will the Senator yield?

Mr. BROOKHART. I yield.

Mr. KING. It seems to me there can be no question as to the interpretation of the amendment offered by the committee as amended by the Senator from Maine. It means that the \$500,000 made available can be taken on the 1st day of July of this year and utilized for the undertaking of the construction of the second five.

Mr. HALE. That is quite right.

Mr. KING. So it is true that it is not available under his amendment until after the 1st day of July, but at midnight on the 30th day of June of this year the \$500,000 could be expended by the Navy Department for laying down the second five cruisers.

Mr. HALE. Precisely.

Mr. SWANSON. The language is plain and clear if the Senator will read it. It provides \$500,000, which shall be available toward the construction of the five light cruisers, the construc-

tion of which is authorized by the act approved February 13, 1929. This bill does not become operative itself until the 1st of July, 1929.

Now, let us go back to the \$200,000. We made that immediately available, because the other appropriations contained in the bill do not become available until the 1st of July, 1929, and we have to have \$200,000 to start the construction of the first five cruisers before the 1st of July, 1929.

Mr. BROOKHART. Mr. President, the money for the construction of the second five cruisers should not be available until a year from the time the money is available for the first five. The Senator has succeeded in having it arranged very nicely, so that 10 cruisers can be run in all together, thus starting a 10-cruiser construction program in one year.

There is a further reason why this construction should be delayed a year, and that is the provision of the cruiser bill that we shall endeavor to enter into an international agreement limiting armament. The Senator from Virginia wants to forget all about that provision. It is just as important as any other provision in the cruiser bill, and, to my mind, it is the most important provision of that bill, because if it is handled properly we can probably avoid building any of these cruisers, perhaps, even the first five, and we can certainly avoid building the second five, if we can arrive at a proper international agreement.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BROOKHART. Yes; I yield.

Mr. TYDINGS. Suppose the projected disarmament conference should fail, would the Senator then be in favor of building the cruisers?

Mr. BROOKHART. I am in favor of carrying out the law.

Mr. TYDINGS. I did not ask the Senator that question. I asked if the Senator would vote for the building of the cruisers if the projected disarmament conference should fail.

Mr. BROOKHART. As an academic question I am opposed to all cruisers, as I have said, and I am discussing the question before us and not the imaginary situation suggested by the Senator from Maryland.

Mr. HARRISON. Mr. President, may I ask the Senator from Iowa a question?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. BROOKHART. I yield.

Mr. HARRISON. I notice that in the amendment reported by the Committee on Naval Affairs a portion of the appropriation is made immediately available. There is to be an amendment proposed to strike out that provision as it applies to five of the cruisers.

Mr. HALE. A portion of the appropriation is made immediately available only for certain minor purposes.

Mr. HARRISON. The Senator from Iowa, I think, is a member of the Naval Affairs Committee, and I am just wondering if the Naval Affairs Committee instructed the chairman of the committee to make that change?

Mr. BROOKHART. If it is changed in the right way, and properly worded, it will probably be true, then, that the \$500,000 will not be available until the 1st day of July.

Mr. HARRISON. The Senator, I think, is a member of the Naval Affairs Committee. I am asking him if the committee instructed the chairman to make that change?

Mr. BROOKHART. I am not a member of the committee. The chairman of the committee will have to answer that question.

Mr. HALE. The chairman was not instructed officially at all, but I think the members of the committee would consent to it without any question. As I have said, I do not think it is a necessary change; I am simply proposing it to clarify the matter.

Mr. BROOKHART. Mr. President, that still leaves the possibility of running these 10 cruisers in together. That seems to be the plan. If it were not the plan, the Senator from Virginia knows that at the regular session next December we could provide an appropriation to take care of the matter. We do not need \$500,000 for the second five any more than we need \$500,000 for the first five; we could provide an appropriation of \$200,000 to start the second five.

Mr. SWANSON. The committee have acted in a conservative and moderate way in order, so far as we could, to conform to the ideas of those who wished to build slowly. The cruisers can not be built contemporaneously, because we limit the appropriation for the second batch of cruisers to \$500,000, and the other appropriation goes to the first five. What else could be done, unless we nullified the law which the Senate passed so overwhelmingly?

Mr. BROOKHART. The Senator and the other proponents of this bill run the two together around the 1st day of July. That is apparently the idea.

Mr. SWANSON. How could they do it when only \$500,000 can be spent on the second batch?

Mr. BROOKHART. Only \$200,000 can be spent on the first set of cruisers.

Mr. SWANSON. The remainder of it must be spent on the first set. We appropriate \$500,000 for the second batch and \$10,000,000 for the first batch.

Mr. HALE. That is during the fiscal year 1930.

Mr. SWANSON. During the fiscal year 1930.

Mr. BROOKHART. But contracts will be let for all of them.

Mr. SWANSON. They can not be let under the law with only \$500,000 appropriated.

Mr. BROOKHART. The policy seems to be to provide for 10 cruisers, and then, if we succeed in reaching an international agreement for disarmament, we will have to pay twenty-five or thirty million dollars to cancel the contracts, as we have done heretofore.

The PRESIDING OFFICER. The time of the Senator from Iowa on the amendment has expired. He has 10 minutes on the bill.

Mr. BROOKHART. Mr. President, I wish to ask the Senator from Virginia if it is not possible to have the appropriation made at the next regular session in ample time to comply with the requirements of the cruiser bill as to the second five cruisers?

Mr. SWANSON. I do not think so, in view of the disposition of the Senator and others to oppose the cruiser bill, and the effort to defeat even the regular appropriation. I am not willing to risk it.

Mr. BROOKHART. Let me ask, Does the bill with a present appropriation of \$200,000 and a further appropriation, to be available later, comply with the requirements of the cruiser bill for the first five cruisers?

Mr. SWANSON. It does; it undertakes the construction of the cruisers.

Mr. BROOKHART. Very well. This is the 22d day of February, on which we are complying with the requirements as to the first five cruisers that shall be built in 1929. Now, on the 22d day of February, 1930, we can provide an appropriation to comply with the requirements as to the second set of cruisers. Is not that true?

Mr. SWANSON. We can do it; yes. But the question is, Will we be allowed to do that?

Mr. BROOKHART. Very well. Then, why put it in the bill now and why raise this controversy at this time, when it may be the greatest stumbling block to an international agreement?

Mr. SWANSON. Will the Senator give me an opportunity to answer that suggestion?

Mr. BROOKHART. Yes.

Mr. SWANSON. The reason why we only appropriate \$200,000 now is because the Senator from Iowa and those who cooperated with him would not allow the cruiser bill to pass last spring. It was delayed in that way for nearly a year. And now we can only appropriate \$200,000 for the particular purpose. If no appropriation is made here for the set of cruisers to be constructed next year, for which we only provide \$500,000, then next year the situation will be like it was last year, and no provision will be made in time for their construction.

Mr. BROOKHART. But in spite of our delays the Senator concedes that the appropriation made now on the 22d day of February is a compliance with the law.

Mr. SWANSON. No. If it had not been for the Senator and those who cooperated with him we would have had these ships one-third constructed now; but all the Senator is willing should be done toward their construction now is to appropriate \$200,000.

Mr. BROOKHART. The Senator would like to have had these ships constructed years ago and then to sink them and construct new ones. That is the Senator's policy.

Mr. SWANSON. This is the first time I have advocated an increase of 15 cruisers in the Navy. It was only when Great Britain had gone far beyond us in the ratio of 13 to 5 that I saw the necessity of it. This is the first time the Congress has provided for the building of 15 cruisers. If the Senator will permit me, I should like to ask him how it violates the law to carry out the instruction of Congress?

Mr. BROOKHART. I am unable to see the Senator's viewpoint at all. I can see no reason why he should resist us upon this proposition unless there is some purpose of tying us fast into this big cruiser program in spite of any international agreement which may be reached. If that is the Senator's purpose, if he wants to defeat an international agreement and to defeat any opportunity of disarmament on the seas, it is perfectly logical and perfectly proper to hurry the construction of the cruisers as fast as possible. In that view of the case, then the faster we go the more surely he will succeed in achieving the

result he desires; but he voted for a law which calls for an effort to be made to secure an international agreement for disarmament and, if we can reach a proper agreement, for the sinking of naval vessels so far as possible. I think that is a big policy announced by the cruiser law; the building of 15 cruisers is only a little item compared to an international agreement which will end war construction on the seas. But the Senator from Virginia wants to ignore the big policy which he himself supported, and to force the construction of these cruisers whether or not and to do that at the very earliest possible date, although at the same time he admits we can comply with the law fully and postpone the appropriation for the second five cruisers even as late as the 22d day of next February. That is the exact situation on this question. If we can eliminate crowding the construction of these cruisers this controversy will end and the bill may proceed, so far as I am concerned, to enactment without any further objection.

Mr. SWANSON. If the Senator will permit me, the only difference between himself and me is this: He thinks the spending of \$500,000 on five cruisers that are to cost \$15,000,000 each is crowding. I think it is hardly beginning them. Crowding, with only \$500,000 for five cruisers! That amount will hardly enable their construction to be started.

It was recommended that \$22,000,000 should be appropriated to start these five cruisers and proceed with their construction during the next year; but the committee was so conservative, so moderate, that it merely recommended the appropriation of \$500,000 in order to comply with the law; yet the Senator calls that crowding.

Furthermore, the President can stop this construction in the event an international agreement for disarmament shall be reached. I believe the best way to bring about disarmament with Great Britain, with Japan, and with other nations is to let them know we are going to build. When they realize that fact they will come to an agreement; but so long as we simply talk about building and do nothing, they are satisfied with conditions at present existing.

Mr. BROOKHART. As I remember, the way the committee stood by the President was to walk roughshod over both the President and the President elect, both of whom wanted no time limit whatever on the construction of the cruisers; but the committee listened to the Steel Trust. It did not listen to the President of the United States or to the President elect; it listened to the shipbuilders; it listened to the fellows who want profits out of war. War profiteering is the evil of the age; war profiteering is the cause of war. I think if profiteering were taken out of this proposition, there would be nobody here advocating cruisers.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. KING. I understand that the amendment offered by the committee is found on line 16.

The PRESIDING OFFICER. The pending amendment is that beginning on line 7 on page 45.

Mr. HALE. The Senator from Utah has in mind an amendment that is not now pending.

Mr. KING. Which amendment is before the Senate?

The PRESIDING OFFICER. The amendment before the Senate at this time is that beginning in line 7 on page 45 and extending to and including part of line 11.

Mr. KING. Then, Mr. President, I desire to offer an amendment to the amendment. On line 8, after the word "available," I move to add the words "after January 1, 1930," so that the amendment as amended would read as follows:

On account of hulls and outfits of vessels and machinery of vessels heretofore authorized, \$28,550,000, of which \$500,000 shall be available after January 1, 1930, toward the construction of the second five light cruisers—

And so forth.

I should like to say a few words, Mr. President.

The PRESIDING OFFICER. If the Senator will pardon the suggestion, the Chair will remind him that he has exhausted his time on the committee amendment.

Mr. KING. I will speak on my amendment to the amendment.

The PRESIDING OFFICER. The Senator is entitled to speak on the amendment to the amendment.

Mr. KING. If I understood the view of the Senator from Maine, it is that the \$200,000 appropriated for the first five cruisers should be available July 1, 1929?

Mr. HALE. No; it is to be available after the bill becomes a law.

Mr. KING. Very well. It is to be available immediately after the bill becomes law; there is not to be a moment's delay.



I presume all arrangements have been made to expend this amount within a few hours after this bill is signed by the President. Haste, and more haste, must be the slogan of the Navy Department. Perhaps even now contracts have been prepared for the building of the cruisers which are to be built by contract. And the Senator demands that the \$500,000 for the second five vessels shall be available at midnight, June 30, 1929. It is certain that these cruisers are to be pushed to completion as soon as possible. They are to be undertaken this year, as are the first five authorized in the cruiser bill. The plan is to commence 10 war vessels in 1929; to commit the Government to complete at least 10 cruisers, so that any international agreement may not be able to reach them. This amendment reported by the committee is a piece of camouflage. It will deceive no one. It is intended to compel the Government to let contracts or start plans or construction for 10 cruisers within the next few months. The \$500,000 is to be expended soon—within a few weeks, probably after July 1 of this year.

Mr. HALE. At any time during the fiscal year 1930.

Mr. KING. It is made available on the 1st day of July, 1930.

Mr. HALE. There can be no question about that.

Mr. KING. No; that follows, of course.

Which means that it can be expended the same day. The naval authorities are unwilling to wait until December of this year, when the appropriation bills for 1931 are prepared, for the appropriation for the commencement of the second list of five cruisers. And that is what the Senator desires. Just as the Senator from Iowa [Mr. BROOKHART] has stated, there is a determination to force the commencement of 10 cruisers during the calendar year of 1929. That was not the purpose of the cruiser bill, but its terms are being perverted to accomplish that end. It seems manifest that there are influences at work to prevent any limitation of arms conference dealing with the 15 cruisers, or interfering with their construction.

The Senator from Virginia [Mr. SWANSON] scoffs at the suggestion made by the Senator from Iowa that an effort is being made to "crowd" the construction of the cruisers, and treats sarcastically the suggestion that the item of \$500,000 to be available July 1 next can be construed as "crowding" construction. I submit the Senator has not met the argument of the Senator from Iowa. If the Navy is not to begin work upon or let contracts for some of these "second-year" cruisers, why not so state? Why not incorporate in the bill that this amount is not to be available until 1930?

Mr. President, contracts may be entered into with \$1 consideration which will involve millions, and, for that matter, hundreds of millions and which will commit the Government to the building of 10 or 15 warcraft within a limited period. Who shall say that on the 1st day of July, 1929, with the avidity which has characterized the naval authorities in the Navy Department, contracts will not be let for the construction, not of 5 vessels but of 10 cruisers authorized by the recent cruiser bill? If it is proper and lawful to now appropriate \$500,000 to "undertake" the building of the second list of cruisers, it is equally legal and proper to let contracts for their construction as soon as the appropriation is available and which will be, under the amendment offered by the Senate committee, July 1, 1929. The Senator from Maine can give no guaranty that, in what he calls "orderly" development and building, contracts will not be entered into or plans adopted for the building of these five cruisers on the 1st day of July next or a few days thereafter. If the Senator desires that no contracts shall be let and no plans formulated for these cruisers until 1930, why does he not consent that the bill shall so state?

As I said a few moments ago, we are now building six 10,000-ton cruisers authorized in 1924. It will require several years for their completion. Five additional cruisers will be contracted for immediately; and under this bill as it is now amended by the committee five additional cruisers may be authorized and contracts let for their construction on the 1st day of July of this year.

If the Senator from Maine is sincere in the statements which he made a few moments ago, he will accept the amendment which I have offered and restrict the utilization of any part of this \$500,000 until the 1st day of January, 1930.

Congress will meet in regular session and will then prepare and pass the necessary appropriation measure to care for all departments of the Government. If it is deemed necessary at that time to appropriate \$10,000,000 or \$20,000,000 or the entire amount required for the construction and completion of the second five cruisers, that may be done; but at this time to make an appropriation of \$500,000 or any amount whatever

for the second five cruisers is most unwise and in contravention of the spirit if not the letter of the cruiser act.

Mr. President, we can not defend the enormous appropriations for the Army and Navy which are being made at this session of Congress. Our military budget for the next fiscal year will be approximately \$800,000,000. This is more than any nation in the world is expending for armies and navies. The military load is growing heavier, and the demands of various groups and of the War and Navy Departments will become more insistent for still larger appropriations.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. WALSH of Massachusetts. As I understand the Senator's amendment, it would have the effect of postponing the appropriation of any money for the building of the second five cruisers to January 1, 1930.

Mr. KING. That is correct. My purpose is to not make available any sum to be expended during this year upon the second list of five cruisers authorized in the recent naval bill. I confess that I am skeptical of the willingness of the Navy Department to wait until 1930 to begin work upon this second list. There is nothing in the conduct of the department that would lead to the conclusion that it will act prudently in the matter of commencing work upon these cruisers. There has been and is an almost fanatical zeal exhibited by some that brooks not a moment's delay in launching a mighty naval program. The Secretary of the Navy has recently asked for 71 war vessels, and the naval board has exerted its influence to secure the adoption of this plan.

Mr. President, unless there is an international agreement limiting naval armament it is certain that within the next 10 years our naval expenditures will approximate \$10,000,000,000. The country has been inflamed by exaggerated statements and foolish and alarming, and, I may add, unfounded propaganda.

The presentation made by Secretary Wilbur and representatives of the Navy to Congress was calculated to produce naval and military hysteria and to lead the country to believe that our country was in danger of attack from some powerful enemy. The demand for 71 vessels, at a cost of nearly \$1,000,000,000, was unwise and produced unfavorable reactions not only in the United States but in all the world. And the Secretary made it clear that more than \$2,000,000,000 additional would soon be required for new naval construction.

When public opinion revolted against the demand for 71 warships then a "modest" demand—to use the expression of my friend from Virginia—was made for only 15 cruisers and a number of submarines.

Mr. President, we now have 22 cruisers which are nearly obsolete and 10 modern cruisers, each of 7,500 tons displacement. No better cruisers plow the sea. In addition we have recently completed two 10,000-ton cruisers which are superior to any found in any navy. We will soon complete six additional cruisers of the same tonnage. They will, presumably, represent the latest and best that can be found in naval construction. We have authorized the construction of 15 more 10,000-ton cruisers, and are to drive through to speedy completion this entire number.

It is absolutely certain that we will have the most powerful cruiser fleet of any navy in the world. The British cruisers will be in a second class compared to those of our own Battle Fleet.

To-day we have the most powerful battle fleet in the world. Gun for gun and ship for ship, we are superior to Great Britain. Great Britain is superior in cruiser strength, but in battleships, destroyers, submarines, airplane carriers and other auxiliary naval craft the United States outranks any other nation.

Mr. President, there will be unfavorable reactions in other countries because of the belligerent spirit exhibited in the United States. No more warlike spirit, it is said by some, was manifested in Germany during the years immediately preceding the outbreak of the World War than has been in evidence in some circles of our own country.

If we are sincerely interested in peace, we will give evidence of our purpose, not by developing a navalistic spirit, but by pursuing policies that will promote international fellowship.

Mr. HARRISON. Mr. President, I was not in favor of the consideration of the cruiser bill during the present session of Congress, because I did not believe it would create a very good impression among the nations of the world with reference to our desire to promote the peace of the world in the passage of the Kellogg peace pact. I was not in favor of the time-limit clauses in the cruiser bill, and made every effort to eliminate the time provision.

We are now about to vote finally upon this proposition, and I rise to express my congratulations to the Senator from Maine [Mr. HALE] and his colleague on the committee, the Senator from Virginia [Mr. SWANSON], for the magnificent way in which they have steered these pieces of legislation to final enactment. Indeed, it was a wonderful feather in the cap of my friend from Maine and my very good friend from Virginia that they were able to overcome the opposition which lurked in the way of the cruiser bill so far as the time limit was concerned. They went up against not only the present President of the United States, with all the influence of a President going out of office, but the influence of the incoming President, although most of the time he was in far-away waters.

It was, however, a great effort; and success crowned the efforts of my friend from Maine. So, drunk with power—because that is the only way my friend ever gets drunk [laughter]—he now comes in with this naval appropriation bill; and although when other important pieces of legislation and tiny proposals of legislation appear here, it takes days and weeks to pass them, under this strong cooperation between the Senator from Virginia and the Senator from Maine they pass this important bill in less than two days.

I am in favor of carrying out the law embodied in the so-called cruiser bill. I think the Congress should provide ample appropriations to meet every requirement of that law; but I do not want the Senator from Maine to think that some of us here are fooled as to what he is doing in the provisions of this bill, and when we vote on it we should all understand what we are voting for.

The Senator from Maine and the Senator from Virginia are not meeting as loud opposition nor perhaps as well-oiled opposition in putting over this proposal as the Senator met in his cruiser fight; but in this instance he has not the backing of his President, nor has he the indorsement of the Director of the Budget.

I hope the Senator will agree with me with reference to that matter. His keeping his seat and remaining quiet tells me that I am correct in that assertion. [Laughter.]

I say that the President in his estimate has not recommended this, nor has the Director of the Budget, because I have taken the pains to do what I do not very often do, read the estimate of the Director of the Budget. In reading it over I find that he incorporates in it language that was in the naval appropriation bill as it passed the House, and recommends the increases as carried in the bill; but he leaves out of his estimate this \$500,000 to begin the construction of the second five cruisers at the beginning of the next fiscal year.

Mr. HALE. And also the \$200,000 for the construction of the first five cruisers.

Mr. HARRISON. No; the Director of the Budget recommends the appropriation of money for the first five cruisers.

Mr. HALE. Not to make it immediately available.

Mr. HARRISON. No. The Senator was so drunk with desire to pass this cruiser bill quickly that he was not even willing to wait for the voice of Congress, as embodied in the cruiser bill, and make these appropriations in an orderly way; but he wants to make them immediately available.

Mr. HALE. I was drunk with desire to observe the law, Mr. President.

Mr. HEFLIN. Mr. President, instead of saying that the Senator from Maine was drunk with desire to pass the cruiser bill quickly, I suggest that the Senator use the term that he was swayed or influenced by desire to do it. [Laughter.]

Mr. SWANSON. Mr. President, will the Senator from Mississippi yield?

Mr. HARRISON. Yes; I yield to the Senator from Virginia.

Mr. SWANSON. The President recommended \$11,800,000 for the two purposes indicated in that recommendation. Being opposed to the time limit, he did not make it for any year, as I understand, and he expected his Budget officer to nullify the will of the Congress. All we did was to take his \$11,800,000 and carry out the instruction of Congress to undertake the construction of five cruisers this year, which we took from the \$11,800,000. Then we took \$500,000—we did not increase the total—and made that available for the five cruisers next year. We did not modify the President's amount; but we thought we ought to carry out the will of Congress and not the will of the Budget or the President.

I am sorry to see a man who has always been a valiant fighter for the will of Congress and the will of the people surrender to a Budget officer and the President in their attempt to nullify the expressed will of the Senate and House.

Mr. HARRISON. This is one of the few times when the Director of the Budget and the President and myself agree on a proposition. [Laughter.]

Mr. SWANSON. Both trying to nullify the will of Congress.

Mr. HARRISON. No; it is the Senate Committee on Appropriations that is trying to veto the suggestions of the Director of the Budget and the will of Congress.

Let us not be misled about this proposition. It is too plain. Here is Mr. Lord's estimate. He says:

Construction and machinery: For an additional amount on account of hulls and outfits of vessels and machinery of vessels heretofore authorized, \$5,800,000, to remain available until expended.

Mr. NORRIS. Whose estimate did the Senator say that is?

Mr. HARRISON. This is General Lord's estimate, transmitted by the President. The amount is \$5,800,000, increasing the \$22,750,000 carried in the House bill to \$28,550,000 here. He recommends that increase; but the Committee on Appropriations lops off \$500,000 of the increase suggested by the Director of the Budget and the President on account of hulls and outfits of vessels and machinery of vessels and applies it to the construction of the second five vessels carried in the naval bill.

We can make this appropriation. I know what the sentiment of the Senate is; they are going to pass it; but when we vote for it let us know that we are not carrying out the act. If we did, we would make the appropriation as carried here for these first five vessels, and we would wait until the next regular session of the Congress, when we will have before us another appropriation bill which will come on for consideration about the same relative time in 1930 that this has come before us in this naval appropriation bill. We will have as long then to provide the money for the second five, during that particular year, as we have now for providing the money for these first five vessels for 1929, and we will then proceed in an orderly way. I shall vote for the amendment offered by the Senator from Utah [Mr. KING].

Mr. CARAWAY. Mr. President, I am exceedingly fond of my good friend from Virginia [Mr. SWANSON], the ranking Democratic member of the Committee on Naval Affairs, and I am not much concerned about the provisions of the bill. I wish to say, Mr. President, that nobody is being fooled except the Senators who are fooling themselves when they think they are fooling somebody else. That is the only thing I object to.

I say, with much hesitancy, it is a little bit of sharp practice. It is a desire to outwit the administration; and I regret to see my friend, who says he is drunk on both enthusiasm and desire—

Mr. GLASS. And power.

Mr. CARAWAY. And power; and, as my friend from Maryland [Mr. TYDINGS] suggests from his seat, that is a mixed drink, and I should say he was an authority on that and he ought to know.

Seriously speaking, it may be that you can not trust the President or the President elect. I recall going over the country and advising the people that I thought that was the fact, but I had not expected so early to have confirmation of my prediction here in the Senate; to hear the chairman of one of the great committees say, "We can not trust the President now in power to carry out the expressed will of the Congress, although he signed the bill," and "we can not trust the incoming President to carry out the law of the land and can not trust him to protect the interests of this country. Therefore we must indulge in sharp practice to avoid a disaster that is to overtake the country because the President has not either the foresight or the patriotism to carry out the law of the land."

Mr. HALE. Will the Senator tell me what he means by "sharp practice"?

Mr. CARAWAY. When the Senator gets sober from too much indulgence in power he will know what I mean by that without my telling him. That is such a common expression that one coming from New England certainly must know what it means.

I am not falling out with the Senator from Maine now. What I am trying to say is—and I say it seriously—that you say that he who is now President and he who is to succeed him can not be trusted to look after the defenses of this country, and that we must—oh, I will avoid the word the meaning of which the Senator did not know—that we must write into this bill a subterfuge in order to protect the country against the President and the President to be. That is all I object to.

Mr. TRAMMELL. Mr. President, I am a member of the Committee on Naval Affairs, although I did not take an active part in connection with the framing of this appropriation bill. I would not support any legislation that would contemplate a defeat of the cruiser bill. On the other hand, I do not care to support legislation which contemplates a hastening of the action provided in the cruiser bill.

As I see it, the amendment under discussion is absolutely unnecessary in order for us to comply with the provisions of the law in regard to the appropriation. Under the law we are



to undertake the construction of five cruisers prior to the expiration of the fiscal year 1929. We are then to undertake the construction of five additional cruisers by the expiration of the fiscal year 1930.

As has been stated, Congress will convene in December and we will have every opportunity to make appropriations for the second five cruisers in December, January, and February that we would have at the present time, and I am unable to see why we should make an appropriation at this time for the 10 cruisers, when the purpose and object of the law was that we should undertake only 5 cruisers each fiscal year.

Under this appropriation act we provide at least a part of the appropriation for 10 cruisers during a period of one year.

While I supported the bill providing for the 15 cruisers and opposed all amendments that would interfere with such policy, I do not see any particular reason, and there is no reason, why we should make appropriations for the second five cruisers now. In the ordinary conduct of affairs, Congress would take up that item when we met in December, and make the appropriations for the second five at the next session of Congress.

Mr. HALE. Mr. President, does the Senator think—

Mr. TRAMMELL. I think that the whole object and purpose of it is to hasten the matter, and hasten it in a manner which was not contemplated by many of us who supported the cruiser bill providing for the 15 cruisers. A defeat of this amendment, would, as I see it, in no wise interfere with the carrying out of the law that was enacted by Congress, and I hope the amendment will be defeated.

Mr. SMITH. Mr. President, I want to ask the chairman of the Committee on Naval Affairs a question in my time.

The appropriations for the fiscal year 1930 become effective on the 1st day of July, 1929, do they not?

Mr. HALE. That is quite right.

Mr. SMITH. Congress is supposed to make appropriations for the fiscal year beginning the 1st of July, 1929, which will be expended in 1930.

Mr. HALE. That is quite right.

Mr. SMITH. A little more than half of the fiscal year has now passed—this being February—and this is the first time a naval appropriation bill has come up, and that is why we must appropriate now.

Mr. HALE. That is quite right. If the cruiser bill had gone through in time the appropriation would have been in the appropriation bill for the current year.

Mr. SMITH. Therefore, we are apparently making two appropriations in one fiscal year when we are not. We are carrying out the regular order that Congress always observes of appropriating at the 1929 session for the fiscal year that begins the 1st of the following July.

Mr. HALE. That is right; and the appropriation of the \$200,000 that we are appropriating for this year is an unusual procedure that we have to follow, because it is the only way to get it in before 1930.

Mr. SMITH. I thought that was the situation.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. KING] to the committee amendment. The clerk will state the amendment.

The CHIEF CLERK. On page 45, line 8, after the word "available," to insert the words "after January 1, 1930," so that it will read, "of which \$500,000 shall be available after January 1, 1930, toward the construction," and so forth.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment.

The next amendment was, on page 45, line 16, after the word "expended," to insert a colon and the following proviso:

*Provided*, That appropriations contained in this act on account of "Increase of the Navy" shall be immediately available, in the discretion of the Secretary of the Navy, for the employment of such clerks, draftsmen, and technical employees as may be required at navy yards, in field-inspection offices, and in the Navy Department in the District of Columbia, for the preparation of plans and the work of inspecting and constructing vessels building, such employees to be in addition to those otherwise provided for.

Mr. HALE. Mr. President, to perfect that amendment, I offer the following.

The CHIEF CLERK. On page 45, line 17, after the word "Navy," insert the following:

Except the amount of \$500,000 made available toward the construction of the second five light cruisers authorized by the act approved February 13, 1929.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 46, line 3, after the word "expended," strike out "\$12,000,000" and insert "\$18,000,000," of which \$200,000 shall be immediately available toward the construction of the first five light cruisers, the construction of which is authorized by the act approved February 13, 1929, to be undertaken during the fiscal year 1929: *Provided*, That of the total amount hereby appropriated a sum not exceeding \$200,000 may be expended for additional machinery and equipment at ordnance establishments," so as to read:

Armor, armament, and ammunition: Toward the armor, armament, and ammunition for vessels heretofore authorized, to remain available until expended, \$18,000,000, of which \$200,000 shall be immediately available toward the construction of the first five light cruisers, the construction of which is authorized by the act approved February 13, 1929, to be undertaken during the fiscal year 1929: *Provided*, That of the total amount hereby appropriated a sum not exceeding \$200,000 may be expended for additional machinery and equipment at ordnance establishments.

The amendment was agreed to.

The next amendment was, on page 46, after line 11, to insert:

Improving and equipping navy yards for construction of ships: Toward providing and reconditioning building ways and providing additional equipment and facilities at navy yards and ordnance establishments necessary for the construction and equipment of ships, \$570,000, to be immediately available, and in addition the Secretary of the Navy, upon approval by the President, is authorized to enter into obligations for this purpose, amounting in the aggregate not to exceed \$1,725,000.

The amendment was agreed to.

Mr. HALE. Mr. President, I have two amendments which I was instructed by the committee to offer from the floor.

The VICE PRESIDENT. The clerk will state the first amendment.

The CHIEF CLERK. On page 47, line 25, after the word "plant," to insert a semicolon and the following:

and that no part of the moneys herein appropriated for the Naval Establishment or herein made available therefor shall be used or expended under contracts hereafter made for the repair, purchase, or acquisition, by or from any private contractor, of any naval vessel, machinery, article, or articles that at the time of the proposed repair, purchase, or acquisition can be repaired, manufactured, or produced in each or any of the Government navy yards or arsenals of the United States, when time and facilities permit, and when, in the judgment of the Secretary of the Navy, such repair, purchase, acquisition, or production would not involve an appreciable increase in cost to the Government: *Provided*, That nothing herein shall be construed as altering or repealing the proviso in section 1 of the act to authorize the construction of certain naval vessels approved February 13, 1929, which provides that the first and each succeeding alternate cruiser upon which work is undertaken, together with the main engine, armor, and armament, shall be constructed or manufactured in the Government navy yards, naval gun factories, naval ordnance plants, or arsenals of the United States except such material or parts as are customarily manufactured in such Government plants.

Mr. HALE. This is simply the ordinary labor amendment that we have had in appropriation bills for the last four years. Added to it is a proviso that nothing in it shall in any way interfere with the provisions of the cruiser law.

Mr. McKELLAR. Is the language the same?

Mr. HALE. The language is the same with one exception which I am going to add, where a few words were left out in the House and which I will ask to have reinserted.

Mr. KING. Mr. President, I would like to ask the Senator from Maine a question. If this measure is not in conflict with the cruiser law, what necessity is there for attempting to declare in the amendment offered that it is not to be in contravention of the provisions of that law?

Mr. HALE. There was some question whether under the terms of the amendment, if it was found to cost more to build ships in the navy yards than to build them by private contract, it might have barred their building in the navy yards, and this simply provides that in any event those which are provided for in the cruiser law the first and each alternate cruiser shall be built in the navy yards.

Mr. BRATTON. Mr. President, will the Senator from Maine yield to enable me to make an additional observation regarding the matter to which he is now addressing himself?

Mr. HALE. I gladly yield.

Mr. BRATTON. In further answer to the inquiry propounded by the Senator from Utah, the cruiser law provides that the first and each alternate ship thereafter shall be built in the navy yards. The provisions of that bill are mandatory in that regard. The amendment now proposed to the appropriation bill provides that as to the other ships preference shall be given to the navy yards, but as to the first and each alternate ship the mandatory provision contained in the cruiser law shall be carried out. It is to obviate a possible repeal by implication that the special language was inserted in the appropriation bill. It was thought by some of us that this being a later act and carrying merely the preference provision ordinarily inserted in appropriation bills, it might repeal by implication the mandatory provision of the authorization act, so we inserted this language in order to obviate any possible conflict.

Mr. HALE. The second part of the amendment was inserted at the request of the Senator from New Mexico, and I think is an excellent provision.

Mr. GLASS. Mr. President, does that make it possible to award them all to navy yards and none of them to private contractors?

Mr. HALE. I think that might be remotely possible, but I believe there is no chance of its being done. In the first place, we have not existing facilities enough to construct them all in the navy yards.

Mr. SWANSON. The eight cruisers are being built now.

Mr. HALE. Yes.

Mr. SWANSON. Consequently there is nothing to apply to those. Five of them are being built in private yards and three in navy yards. The only cruisers to be built, unless we have a submarine under the old authorization, would be those provided for in this bill. This carries out the cruiser law and does not modify or change it in any respect.

Mr. KING. Mr. President, I would like to ask the Senator if the amendment which is just offered, the entire meaning of which I did not catch because of the confusion, deals only with ships which are now in process of construction and the 15 cruisers authorized in the cruiser bill?

Mr. HALE. It deals with the appropriations that come under this bill and it applies to the cruisers now under construction and those started in this bill, and also to the three submarines which are started under the provisions of the bill.

Mr. KING. This bill authorizes the repair of ships. Does the amendment which the Senator offers preclude the Government having repairs made upon war vessels other than in navy yards owned by the Government?

Mr. HALE. The repairs on all war vessels are made in the navy yards of the country. I do not think this affects that question one way or the other. It simply provides that where the work can be done in a navy yard at a price not appreciably more than outside parties would charge, it must be done in the navy yards.

Mr. KING. Does the amendment seek to inaugurate a policy different from that which now prevails in that regard?

Mr. HALE. It does not change what we have had under existing conditions for the last four or five years. The only change is in regard to the 15 cruisers where it is provided that the terms of the cruiser law shall be complied with.

Mr. SWANSON. It does not change the law at all. It does not make the slightest change at all in existing law.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Maine in behalf of the committee.

The amendment was agreed to.

Mr. HALE. I have a further amendment which I send to the desk and which I have been instructed by the committee to offer.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 54, after line 12, insert as a new paragraph the following:

To enable the Secretary of the Navy to adjust the rates of pay of the drafting group in the field services of the Naval Establishment so as to be comparable with the increased rates of pay allowed other employees in the field service under the amended wage schedule of August 1, 1928, \$154,000: *Provided*, That the Secretary of the Treasury shall transfer from this appropriation to the appropriations under which the members of the drafting group are employed such sums as the Secretary of the Navy may certify as being required to meet the increased cost under each such appropriation.

Mr. DILL. Mr. President, is this the amendment which affects the employees in the navy yards and Naval Establishment outside of the District of Columbia?

Mr. HALE. Yes; the draftsmen.

Mr. DILL. Is the amendment satisfactory to those who proposed it?

Mr. HALE. No; I think they ask for a larger amount. This is what the department recommended that they considered a fair adjustment.

Mr. DILL. How much of an increase will this provide?

Mr. HALE. It provides \$154,000.

Mr. DILL. I mean how much of an increase to each man?

Mr. HALE. The increases will run from \$66 to \$394 a year.

Mr. GLASS. Mr. President, may I say to the Senator from Washington that it is not entirely satisfactory to the field men, but it was the best that could be gotten by those of us who spoke in behalf of the field men.

Mr. DILL. I know the Senator from Virginia spoke for them and I am inclined to go along with his suggestion.

Mr. GLASS. I think it is about time to meet their situation even more than this does, but it is the best we can do at this time.

Mr. SWANSON. Mr. President, it will take two or three years at this rate to get their wages to equal those paid other employees performing like services. I think it is the best we could get and so we accepted it.

Mr. DILL. What does the Senator mean when he says the best he could get?

Mr. SWANSON. There was a dispute down at the department in connection with the question of whether they ought to go under the Welch Act or not, and whether they should be advanced from one grade to another.

Mr. GLASS. It was the best we could get, because they have been so long and so pointedly discriminated against that to put them now on comparable terms with persons doing like work here in the District would involve an appropriation so large as perhaps to interfere with the Executive's financial policy. To avoid any question, those of us who speak for those men accepted this as the best we could get under the circumstances.

Mr. DILL. Mr. President, I appreciate the position of those on the committee who have been working for the employees in question. I want to say in this connection that the action of the wage board in allocating some of the clerks, particularly in the navy yard at Bremerton, in my own State, to an 8-hour day where they had been previously working a 7-hour day, with practically no increase in wages, is a step that certainly should be prevented in future legislation. I shall not offer any amendment or legislation at this time, but I think that the action of the Secretary of the Navy in supporting the allocation of employees as it was made by the last wage board, compelling them to work eight hours a day at the same wage they had been getting for seven hours a day, is indefensible. I think it is a meting out of punishment to those employees against whose records there is no objection whatsoever. While the number affected is small, yet to them individually it is extremely important. I hope that the policy will not be enlarged upon by the Navy Department in the future.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Maine.

The amendment was agreed to.

Mr. HALE. I have another amendment which I now send to the desk and offer.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 47, line 21, after the word "thereof," insert the words "or of the movements of any such employee while engaged upon such work," so as to make the sentence read:

No part of the appropriations made in this act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person or persons having charge of the work of any employee of the United States Government while making or causing to be made with a stop watch or other time-measuring device a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work.

Mr. KING. Mr. President, may I ask the Senator from Maine what is the purpose of the amendment?

Mr. HALE. It simply provides what was in the bill the last time. It was stricken out in the House on a point of order.

Mr. KING. Upon examining the text I understand the purpose of the amendment, and I have no objection to it.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BROUSSARD. Mr. President, I desire to offer my amendment, which is lying on the table.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 48, line 24, strike out the numerals "\$174,380" and in lieu thereof insert "\$178,560," so as to make the paragraph read:

Naval Observatory, including \$2,500 for pay of computers on piecework in preparing for publication the American Ephemeris and Nautical



Almanac and in improving the tables of the planets, moon, and stars, \$178,560.

Mr. BROUSSARD. Mr. President, this is an item affecting the Naval Observatory employees. I brought this matter before the committee and called their attention to the fact that the observatory had made an estimate of \$177,320, and that the estimate was approved by the budget officer of the Navy Department. When it reached the Director of the Budget there was stricken from the total the sum of \$4,140, which was an item intended to raise the salaries of 26 employees of that bureau whose salaries are very much below the average salaries of people in their grade. In fact, it was stated that this amount would cover only 50 per cent of the actual sum necessary to bring these employees, who number 26, to the average of the grades in their employment. At the time I submitted this matter I got the impression—I do not want to speak for the committee—that the committee favored it. The chairman of the committee made inquiry at the Navy Department, and we were told that an amendment adopted in the House—which, of course, was subsequent to the time that the Director of the Budget had acted—would take care of these employees. That amendment, which is found on page 50, reads as follows:

When specifically approved by the Secretary of the Navy, transfers may be made between the appropriations in this act under the respective jurisdiction of any bureau, office, board, or corps, in order to meet increases in compensation resulting from the reallocation by the Personnel Classification Board of positions under any such organization unit. Any such transfers shall be reported to Congress in the annual Budget.

At the time the chairman read the amendment to the committee I disagreed with him, because it would seem to me that if that amendment took care of those employees the Navy Department would not have approved its application. So yesterday, Mr. President, I wrote to the Chief of the Naval Operations, and, in order that the RECORD may show the whole transaction, I ask that my letter to Rear Admiral Leigh, Chief of the Bureau of Navigation, be printed without reading.

The VICE PRESIDENT. Without objection, it is so ordered. The letter is as follows:

FEBRUARY 21, 1929.

Rear Admiral RICHARD H. LEIGH,

Chief Bureau of Navigation, Washington, D. C.

MY DEAR ADMIRAL LEIGH: You will recall that when the naval appropriation bill was before the Appropriations Committee I made certain inquiries of Admiral McVay concerning salaries paid the employees of the Naval Observatory, and I was told you had this information, which could be given later when you testified.

When before the committee your testimony was first directed to such changes as had been made in the House and to such amendments as were pending before the committee. Before I had an opportunity of taking this up and bringing out the facts the chairman of the committee was informed by the department that an amendment was added in the House, reading as follows:

"When specifically approved by the Secretary of the Navy, transfers may be made between the appropriations in this act under the respective jurisdiction of any bureau, office, board, or corps, in order to meet increases in compensation resulting from the reallocation by the Personnel Classification Board of positions under any such organization unit. Any such transfers shall be reported to Congress in the annual Budget."—met this case and would enable these employees to be cared for. I am advised that this amendment, above quoted, adopted in the House does not cover the cases estimated for these employees, because the additional amount requested was not to take care of employees promoted from one grade to another, but had been proposed to raise the average of these employees nearer the average of their grades, and that even the amount asked was only 50 per cent of the amount necessary to bring them up to the average of their grades.

The amount asked in addition to that allowed by the director of the bureau was \$4,140. I am informed that the Naval Observatory estimate was \$177,320, and that this amount had been allowed by the budget officer of the Navy Department, but disallowed by the Director of the Budget.

The naval appropriation bill comes up for consideration to-day, and inasmuch as my present understanding is that we were misinformed as to this matter, I would like for you to write me immediately as a member of the Appropriations Committee whether the Naval Observatory estimated the amount above stated and whether your department allowed this estimate. And, further, whether the amendment adopted in the House and quoted herein at the beginning of my letter would enable justice to be done in remedying in part the comparatively low salaries paid to the employees of the Naval Observatory.

I would consider it a special favor if you would write me at once, as I may need this information at any time. I may add that it

was my impression that a majority of the committee were in sympathy with my efforts to try to increase this item, but desisted when we were told the amendment of the House took care of the situation.

Thanking you for an immediate reply, I am,

Yours very truly,

EDWIN S. BROUSSARD.

Mr. BROUSSARD. I now wish to read the letter in response to the one I wrote to Rear Admiral Leigh.

Mr. HALE. Mr. President, will the Senator from Louisiana yield to me?

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Maine?

Mr. BROUSSARD. Certainly.

Mr. HALE. I have taken this matter up with the Navy Department, and I find the department mentioned it in their recommendation to the Budget, but the Budget turned it down. I am perfectly willing to accept the amendment, so far as I am concerned, and take it to conference, but I can tell the Senator that it is doubtful what the result will be.

Mr. BROUSSARD. I should like very much for the Senate to be made acquainted with this letter, and I want it in the RECORD because the House has not adopted this amendment and I should like to have this evidence made available. The letter, amongst other things, states that the provision of the House bill does not apply to these employees. The letter reads as follows:

FEBRUARY 21, 1929.

Hon. EDWIN S. BROUSSARD,

United States Senator.

MY DEAR SENATOR: I have received your letter of February 21, 1929, with reference to the salaries under the Naval Observatory in connection with the naval appropriation bill, which you state will come up for consideration to-day.

The amount originally asked for by the Naval Observatory and approved by the Navy Department was \$177,320, and the Director of the Bureau of the Budget sent in the estimate for \$173,180, or \$4,140 less than the Observatory felt it needed. Subsequent to the submission of the estimate the attention of the Bureau of the Budget was called to the fact that increases had been allowed by the Personnel Classification Board which further increased the Observatory's obligation by \$1,200. This item was accepted by the Bureau of the Budget and the Committee on Appropriations of the House, and the bill as it came out of the committee provided for \$174,380 for salaries, Naval Observatory. This amount still does not take care of the increases desired which amount to \$4,140 and brings the total figure needed to \$178,520, which represents the addition of the \$4,140 to the figure finally allowed by the House.

It is this bureau's understanding that the amendment referred to in your letter is merely to meet increases in compensation resulting from reallocation of positions by the Personnel Classification Board in 1930 and is not applicable to the cases you have in mind to be covered by the \$4,140.

Sincerely yours,

T. R. KURTZ, Acting.

In view of the fact that the chairman of the committee has accepted the amendment, I shall not speak longer upon it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Louisiana.

The amendment was agreed to.

Mr. DILL. Mr. President, I have an amendment at the desk which I now offer and desire that it may be read.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The CHIEF CLERK. On page 44, at the end of line 19, it is proposed to add the following proviso:

Provided, That no part of this appropriation shall be used to maintain marines in Nicaragua or to transport marines to and from Nicaragua.

Mr. DILL. Mr. President, I shall speak but briefly on the amendment; but I want to remind the Senate that a year ago while the naval appropriation bill was here under consideration when a similar amendment was offered great emphasis was placed upon the fact that an agreement had been made through Mr. Stimson that the marines would be kept in Nicaragua in order to supervise the election which was to be held there last fall. That election has been held; the new President of Nicaragua is in charge; and yet we see no signs whatever of withdrawing the marines; in fact, we are occasionally treated to an announcement in the newspapers that some American boy in Nicaragua has been killed or wounded. Only this morning I read in a morning newspaper a statement to the effect that the new airport fields in Nicaragua are to be named after dead aviators of the American marines. Think what a beautiful

memory it will be to the Nicaraguan people to be reminded in future years by the names of the landing fields in their country of the marines who have been among them shooting down their comrades from time to time! I quote from a newspaper clipping as follows:

Five landing fields in Nicaragua have been given the surnames of four marine aviators who lost their lives in service there during the last 18 months, and one honoring Capt. R. J. Archibald killed at Langley Field, Va., last November, who selected the 12 landing fields in Nicaragua.

The fields named are Archibald Field, Managua, for Captain Archibald, of Wheeling, W. Va.; Byrd Field, Puerto Cabezas, in honor of Capt. W. C. Byrd, Greenwood, S. C., killed at Esteli when his plane collided with a buzzard; Thomas Field, Ocotal, honoring Lieut. E. A. Thomas, Richmond, Va., killed in action against insurgents in a forced landing at Sepo Ila Ridge; Dowdell Field, Apali, for Sergt. F. E. Dowdell, Carbondale, Ill., killed under similar circumstances; and Frankforter Field, Esteli, for Pvt. R. A. Frankforter, Quantico, Va., killed in the crash with Captain Byrd.

The rule of the American marines continues in a foreign land.

More than 20 years ago President Roosevelt induced the Central American Republics to join in a treaty by which it was agreed that none of them would interfere in the civil wars of their neighbors by taking sides either with the government or against the government. Within two or three years after that agreement was entered into the United States itself took advantage, contrary to what it had induced the countries of Central America not to do, of an opportunity to interfere on the side of one of the parties making trouble in Nicaragua. Our record in Nicaragua from that time until now has been a series of untenable and indefensible actions. After the election, which was held under our own auspices, with which certainly we ought to be satisfied, and with which the people of Nicaragua ought to be satisfied, it seems to me the marines could be withdrawn. The amendment does not propose to rush them out in 30 days or 40 days, but allows them to be retained in Nicaragua until the 1st of July, when it will become effective. When at last a government has been established in Nicaragua by the will of the people at an election honestly held and against which no complaint has been made by anybody, it seems to me that it is not an unreasonable proposal that the marines shall be withdrawn, as this amendment would compel them to be withdrawn, by the 1st of July.

Mr. HEFLIN obtained the floor.

Mr. BRATTON. Mr. President—

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from New Mexico?

Mr. HEFLIN. I yield to the Senator from New Mexico.

Mr. BRATTON. I merely desire to ask the Senator from Washington a question. I have previously expressed myself as being entirely out of sympathy with the policy of maintaining indefinitely American marines in Nicaragua. I do not think the occurrences prior to this time justify keeping the marines there hereafter; but the question I desire to direct to the Senator from Washington is this: Suppose during the life of this appropriation bill new circumstances should arise which would obligate our Government to send marines to Nicaragua in order to protect the lives and property of Americans there—that is to say, an emergency enjoining the duty upon the Government to protect our people as to life and property—does the Senator think the amendment is broad enough to take away that power and make it impossible for the Government to discharge that well-recognized duty in an emergency of that kind? If so, does he think it is wise for us to go that far?

Mr. DILL. It may be that my amendment is a little too broad, in that it provides that the marines shall not be maintained there. My purpose, of course, is to compel the withdrawal of the marines and also to prevent their again being sent to Nicaragua and kept there unless American lives shall actually be in danger. The fact of the matter is that the only American lives that were in danger when the marines were sent to Nicaragua the last time were those of the American marines themselves who were sent there. There were not over two Americans who were in danger in the beginning.

Mr. BRATTON. The Senator and I are in accord on the principle involved. Let me suggest to him the wisdom of adding to his amendment language substantially to this effect:

Except in case of an emergency occurring hereafter endangering life or property or both of American citizens.

So that the amendment would apply to the present situation, but would not circumscribe the Executive as to circumstances transpiring after the approval of the act.

Mr. McKELLAR. Mr. President, I have great sympathy for the amendment of the Senator from Washington; I think some such amendment ought to be adopted; but I hope he will accept the language suggested by the Senator from New Mexico.

Mr. DILL. I am willing to accept it, although I think that the Marine Corps officers, and the President, if he so desired, might take advantage of it to keep the marines there; but, in order that there may be no question about the vote of the Senate on the proposal to withdraw the marines, I am willing to accept the amendment.

Mr. HEFLIN. Mr. President, I now wish to submit a few remarks. Senators can discuss the other phases of the subject after I am through.

The resolution referred to by the Senator from Washington is one which was submitted by me months and months ago, but no action has been taken by the Senate upon it. The suggestion has been made from time to time that the marines would be kept in Nicaragua until after the election there. As the Senator from Washington has correctly stated the election is over, and there is no excuse now, so far as I can see, for keeping the marines down there any longer, unless we are going to adopt an imperial policy and send our troops out to police various nations of the earth, to clean up their governments for them, to quell rebellion, and to permit one or the other of the belligerent parties, those on whichever side we may take, to retire, as was done in this instance, from the battle field, where there is danger and death, and put our troops in peril in their stead. That is what we did in Nicaragua. It is a bloody chapter, Senators, in the history of this Government. The soldiers of Diaz retired from the field.

They were no longer out in the mountain fastnesses and in the dangerous places, meeting the enemy in the open, and being shot down. It was our troops that endured that danger and went down to death, many of them, while engaged in that character of warfare.

I think we have done enough for Nicaragua. We have gone down there and kept our marines there at great expense, and many of them have died in the conflict. We have stayed, now, until they have set up a stable government. They have had an election. There is no reason for keeping them there any longer. The Senate owes it to the fathers and mothers of America whose boys are down there now to bring them back home and let them live under the flag in peace, instead of holding them there to carry on somebody's government in a foreign country.

Those people have their Government now. They have elected their President, and apparently they are getting along very well. I am in favor of the amendment of the Senator from Washington [Mr. DILL]. If such an emergency arises as the Senator from New Mexico [Mr. BRATTON] has suggested, his amendment does not keep the President from sending marines back. The President has the power now, if he ever had it in the outset, to send them down there; and the fact that we are withdrawing these marines now would not preclude the President from sending marines there again if a situation should arise that demanded it in the protection of American rights and interests. If any emergency should arise, we will be here in extra session from about the 10th of April until the 1st of July, and we can provide by act of Congress for any emergency.

Mr. BORAH. Mr. President—

Mr. HEFLIN. I yield to the Senator from Idaho.

Mr. BORAH. What is the amendment now, since it has been modified?

Mr. BRATTON. Mr. President—

Mr. HEFLIN. I shall be glad to have the Senator from New Mexico read his amendment.

Mr. BRATTON. The amendment now reads as follows:

*Provided*, That no part of this appropriation shall be used to maintain marines in Nicaragua or to transport marines to or from Nicaragua except in cases of emergency arising hereafter endangering life or property, or both, of American citizens.

Mr. CARAWAY. How are they to come home if we prevent their being transported from Nicaragua?

Mr. HEFLIN. I do not see any necessity of preventing them from being transported from Nicaragua.

Mr. DILL. They must be brought home before the 1st of July.

Mr. HEFLIN. I do not see any necessity for putting in there a statement that they can not be transported from Nicaragua. That is what I should like to do. I should like to have them transported from Nicaragua and then not transported back.

Mr. BORAH. I thought the amendment had been changed so that that could be done.



Mr. HEFLIN. So that we could bring them out?

Mr. BORAH. Yes.

Mr. NORRIS. Mr. President, if the Senator will permit me, this amendment, if agreed to, as I take it, would require the Government to bring the marines back before this appropriation goes into effect.

Mr. McKELLAR. It would.

Mr. NORRIS. So that it would have the effect of bringing them out by the 1st of July?

Mr. HEFLIN. Yes. I think that ought to be done.

Mr. BLEASE. Mr. President—

Mr. HEFLIN. I yield to the Senator from South Carolina.

Mr. BLEASE. Does not the Senator from Alabama think we had better leave them over there until the Senator from New Jersey [Mr. EDGE] gets over there with his committee to look after the Nicaraguan canal?

Mr. HEFLIN. No; I am in favor of the joint resolution of the Senator from New Jersey. The able Senator from my State, who was here for a number of years, Senator Morgan, predicted that the time would come when we would have to build a Nicaraguan canal and that the Panama Canal would be out of commission if we did; and I think he was right about that. I think we ought to have two canals, anyhow, so that if anybody took possession of one we would have the other.

Mr. DILL. Mr. President, will the Senator yield?

Mr. HEFLIN. I yield.

Mr. DILL. In response to the Senator from South Carolina, I want to say that the adoption of this amendment would do more to remove opposition to the joint resolution of the Senator from New Jersey than any other one thing that could be done by the Senate.

Mr. HEFLIN. I think so, too.

Mr. President, I want to repeat that a fine boy from my State was killed in this Nicaraguan row. I asked the Government to send his remains home, and they reached home just a few days ago; and he has been buried down there in the old family burying ground in my State. He was killed a year or more ago. It is time that the Senate was giving serious thought to such acts as this that we have committed, of going down into Nicaragua and retiring from the field Diaz and his troops, removing them from danger, putting our troops out in front, having them bear all the brunt of the battle, getting them killed, spending vast sums of money, setting up a government for the people of Nicaragua, and then continuing to keep the marines there. I think we ought to bring them home.

I shall vote for the Senator's amendment.

Mr. NORRIS. Mr. President, if Senators will remember the debate that took place on this subject at the last session of Congress, last year—

Mr. BRATTON. Mr. President, will the Senator yield to me to make a further suggestion?

Mr. NORRIS. I have only 10 minutes.

The PRESIDING OFFICER (Mr. Fess in the chair). The Senator declines to yield.

Mr. NORRIS. If Senators will refer to that debate they must, it seems to me, reach the conclusion that every reason given then for maintaining an army in Nicaragua has now disappeared from the face of the earth.

After that debate had gone on for some time there was practically an agreement one evening, about this time of day, that would have brought about the unanimous adoption of a modified amendment. Next morning, however, when the Senate convened Senators had changed their minds about it, and the agreement was not carried out.

It was claimed then that while perhaps we had no right to send our marines down to Nicaragua in the first place, nevertheless we had them there; that since they had been there an agreement had been made that they should supervise an election; that an election should be held, and that the American Government, through its marines, would see that an honest election was held. It was claimed that that agreement had been made with these people in Nicaragua, and it was even said that most of the insurgent army had surrendered their arms on account of that agreement, and therefore, even though the agreement was contrary to law and made by the President without authority, that it would be a violation of good faith for us to take our army away until that agreement had been fully complied with and the election held.

Mr. McKELLAR. What excuse has he now?

Mr. NORRIS. The election was held last fall. The new officials have been installed in office. We were told by the Government officials that there were only a few bandits left. The other day I read that the Sandino army had been half captured; that one marine had captured a bandit, and the other member of the Sandino army unfortunately had escaped; and still we keep our marines there.

Mr. BINGHAM. Mr. President, will the Senator yield for a question?

Mr. NORRIS. If it is a question; yes.

Mr. BINGHAM. Does the Senator realize that the President elected was the Liberal, General Moncado, and that he himself, being afraid of the Conservatives, requests the retention of the marines?

Mr. NORRIS. Is that any reason why we should send our Army into a foreign country—because some representative of a political party or a faction asks that they be kept there? If that is a good reason, then we had better bid good-bye to international law, and say to the world, "Whoever wants our Army, ask for it; we will send it over to you and run your government for you."

As a matter of fact, Mr. President, we went to Nicaragua and established a government. We made an agreement with ourselves, in the first place, that we would supervise this election, and we have been there ever since. We went in there, I think, without any authority. We stayed there without any authority. We held an election without any authority in a foreign land at the point of the bayonet. We would not stand for holding that kind of an election here in our own country, under our own flag, and at the expense of the American taxpayer. It is such conduct as this that has brought us into disrepute and made all the nations south of the Rio Grande suspicious of our actions. Having made an agreement to hold an election, having practically a unanimous understanding here that when the election was held we would take away our Army; the election has been held, months have passed, we read in the paper every few days of the bandit army being exterminated, and still our Army is there.

I do not see any excuse for it; and if somebody who is elected President wants the marines to stay, that is not any reason why they should stay. Has the administration been fair with the country? Have we heard of all the accidents and the deaths of our own men that have been brought about on account of this foreign war? Have we ever been told of the hundreds of women and children and men—unarmed men, unarmed women, unarmed children—who have been killed by bombs dropped from the air by our forces? Do we know half of the truth now? And yet our Army still stays in Nicaragua.

Mr. President, it seems to me no reasonable excuse can be given why they should stay there any longer. If the President wants to keep an army in a foreign country it is his duty, as I look at it, to communicate officially with Congress, set forth the facts, give the reasons why in his judgment an army should be maintained permanently in a foreign country, and then let Congress pass on it; let the lawmaking body decide whether the money that is wrung from the American people by taxation shall be used for the purpose of carrying on war in a foreign country under a different name than war.

Why is it that we have not been told why the Army stays in Nicaragua? Why is it that the Army is still there? Why are we not entitled to official notice and information as to the judgment of those who are responsible, giving the reasons why they think the Army ought to remain? Who is it that should decide whether we shall maintain a standing army in a foreign country against the will and the wish and without the consent of the real people of that country, or even with their consent? Who is going to advocate as a proposition of international law that the President, without any act of Congress under our Constitution, can keep a standing army in a foreign country even with the consent of the officials whom as a matter of fact we have elevated to office?

Mr. BINGHAM. Mr. President, will the Senator yield?

Mr. NORRIS. Yes.

Mr. BINGHAM. Just what does the Senator mean by "we have elevated to office"?

Mr. NORRIS. I said a minute ago that as a matter of fact we established a government in Nicaragua at the point of the bayonet. Then we made an agreement with the Government. We did that when we agreed to the last treaty with the Government of Nicaragua, and we maintained that Government and kept it in power by our soldiers.

That is what I mean, that we established the Government. This Government which is now in power in Nicaragua is in power, I understand, by virtue of the election that has been held, which we supervised, and it was said then, "Everybody wants us to hold that election; both sides have agreed; only a few bandits oppose it." And it has been reported that there have been killed four or five times the number they were supposed to have. Both sides wanted us to hold the election so that it would be fair. It is said now that we held it and that it was fair. I presume that is true. I have no evidence to the contrary, and we can assume that it was fair. So under the theory of those who wanted to keep our Army there, everything

is peaceful, everything is lovely. We have had an honest election. We have installed the people who were elected to office. Then what is the use of our Army down there?

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired.

Mr. BRUCE. Mr. President, I do not know a clearer case than this for the application of the Turkish saying, "The dog barks; the caravan passes." It was only a few months ago that the very Senators who are now advocating this amendment were decrying in the bitterest language the course of our administration in relation to Nicaragua. What it has done in Nicaragua fully deserves what I said at that time by way of commendation of the action of our Government in all such cases. I said then that there has not been a case on record for generations in which our country has ever intervened in any foreign land except for the purpose of conferring a lasting blessing on it.

When all that invective was indulged in, of course the election had not come off in Nicaragua. Now it has been held. The action of our Government in refusing to withdraw its marines at that time has been completely, triumphantly, incontestably vindicated. For the first time in many, many years there has been a fair election in Nicaragua, an election not tainted by either fraud or violence, an election so fair that both of the national parties in Nicaragua are satisfied with it, and have so expressed themselves.

At this very moment our marines, as I understand it, are remaining in Nicaragua because the present Nicaraguan Government, the one chosen at that election, made a request that they should remain there a little longer.

Mr. EDGE. Mr. President—

Mr. BRUCE. I yield.

Mr. EDGE. It is my understanding, without having the figures at hand, that a large proportion of the marines have already been sent back to this country, and they are being sent back just as fast as it seems to be proper to return them, in view of the changed condition of the country.

Mr. BRUCE. I have no doubt that the Government is exercising the same good sense and the same sound discretion—

Mr. DILL. Will the Senator yield?

Mr. BRUCE. I am sorry, but my time is limited, and I can not yield further.

Mr. DILL. The Senator's suggestion was so misleading that I thought it ought to be replied to. The only marines taken out were the marines needed on the boats.

Mr. EDGE. Mr. President, I think that is absolutely incorrect.

Mr. BORAH. The Government has taken out about 1,200.

Mr. BRUCE. Mr. President, I have the floor.

The PRESIDING OFFICER. The Senator from Maryland declines to yield.

Mr. BRUCE. For the purpose of my argument it is immaterial whether marines have left Nicaragua or not. My own belief is that the executive branch of this Government will not keep any of them there any longer than is really necessary for the accomplishment of what must be done, and when it is a sensible thing to bring such of our marines as are there back to this country the executive branch of the Government will bring them back.

The very success with which our Government has performed its mission in Nicaragua—the splendid success, the undeniable success—is made the basis for an argument by the Senator from Washington [Mr. DILL] that we should bring the marines back now. "No longer," he says, "is there any occasion for keeping them there, because they have had an election—a perfectly fair election—an election satisfactory to both parties in Nicaragua." He is citing the success with which our Government has executed a part of its task as a reason why it should not be allowed to perform the balance of its task. What sort of logic is that?

Mr. DILL. Mr. President—

Mr. BRUCE. I yield.

Mr. DILL. The Senator will recall that I was in favor of withdrawing the marines a year ago.

Mr. BRUCE. I know the Senator was.

Mr. DILL. And then the Senator and others who agreed with him gave as the reason why we should not withdraw them the fact that they were to be there to take charge of an election. Now, when the election has been held—and I never questioned but that they would have an election—now that it has been held, the Senator has not any argument.

Mr. BRUCE. I stated also that they should remain there as long as it was necessary to assure the continuance of the beneficial fruits of that election. Why should the Senator from Washington be so dissatisfied with the situation when it seems there is no dissatisfaction on the part of the Nicaraguan people?

Mr. DILL. I am dissatisfied because American boys are down there.

Mr. BRUCE. The Senator's conception of a soldier is very different from mine. I would just like to know to what better purposes one of these boys of whom the Senator speaks can be put as a soldier than that of risking his limbs or his life in the cause of his country?

Mr. DILL. Any purpose is better than to be kept there to allow Americans to exploit Nicaragua and collect loans by force of arms.

Mr. BRUCE. Now the Senator is leaving his other ground and taking a different ground. The Senator is talking about these boys as if they were ordinary civilians. They are soldiers; and if one of my sons had perished in Nicaragua, I should have been filled with pride at the thought that an airport in Nicaragua was to be named after him. We all know that the idea would never have been considered of naming those airports after any of our marines who perished in Nicaragua, except with the full consent of the Government, Nicaragua and of its people, unless you include among its people this mountain bandit, Sandino, and a small party of lawless ragamuffins who follow in his train.

There is a Senator who can clear up this whole situation without difficulty. If the Senator from Idaho [Mr. BORAH], the chairman of the Committee on Foreign Relations, fully in touch with the present situation, can say that there is any reason why we should withdraw the appropriation for this purpose, I for one am ready to vote for this amendment. If he is not prepared to say that to us, then I most assuredly for one will vote against it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. DILL], which will be reported.

The CHIEF CLERK. On page 44, line 19, after the word "fund," insert a colon and the following proviso:

*Provided*, That no part of this appropriation shall be used to maintain marines in Nicaragua or to transport marines to and from Nicaragua, except in cases of emergency arising hereafter endangering life or property, or both, of American citizens.

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. McKELLAR (when his name was called). I have a general pair with the senior Senator from Wisconsin [Mr. LA FOLLETTE], who is away on account of illness. I am told that if present he would vote as I intend to vote, and so I vote "yea."

Mr. FRAZIER (when Mr. NYE's name was called). My colleague [Mr. NYE] has been called from the Chamber. He is paired with the junior Senator from New Jersey [Mr. EDWARDS]. If the Senator from North Dakota were present, he would vote "yea."

Mr. REED of Pennsylvania (when his name was called). I transfer my pair with the Senator from Delaware [Mr. BAYARD] to the Senator from New Mexico [Mr. LARRAZOLO] and vote. I vote "nay."

The roll call was concluded.

Mr. JONES. I desire to state that the senior Senator from Kansas [Mr. CURTIS] is paired with the senior Senator from Arkansas [Mr. ROBINSON].

I also desire to announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is necessarily absent.

Mr. GERRY. I wish to announce that the senior Senator from Nevada [Mr. PITTMAN] is necessarily detained on official business.

Mr. OVERMAN. I rise to announce that my colleague [Mr. SIMMONS] is unavoidably absent. He is paired with the junior Senator from Ohio [Mr. BURTON].

Mr. PHIPPS (after having voted in the negative). I transfer my general pair with the Senator from Georgia [Mr. GEORGE] to the Senator from Vermont [Mr. GREENE] and let my vote stand.

Mr. BLAINE. I desire to announce that if my colleague [Mr. LA FOLLETTE] were present and voting, he would vote "yea."

Mr. JONES. I desire to announce the following general pairs:

The Senator from Rhode Island [Mr. METCALF] with the Senator from Mississippi [Mr. HARRISON];

The Senator from New Hampshire [Mr. KEYES] with the Senator from Maryland [Mr. TYDINGS];

The Senator from Massachusetts [Mr. GILLET] with the Senator from Florida [Mr. FLETCHER]; and

The Senator from Maine [Mr. GOULD] with the Senator from New York [Mr. COPELAND].

The result was announced—yeas 38, nays 30, as follows:



## YEAS—38

Dill	Ashurst	McMaster	Swanson
Barkley	Frazier	Mayfield	Thomas, Idaho
Black	Gerry	Neely	Thomas, Okla.
Blaine	Glass	Norris	Trammell
Blease	Harris	Overman	Tyson
Borah	Hayden	Pine	Walsh, Mass.
Bratton	Heflin	Sheppard	Walsh, Mont.
Brookhart	Jones	Smith	Wheeler
Capper	King	Steck	
Caraway	McKellar	Stephens	

## NAYS—30

Bingham	Hale	Oddie	Steiwer
Broussard	Hastings	Phipps	Vandenberg
Bruce	Hawes	Ransdell	Wagner
Couzens	Johnson	Reed, Pa.	Warren
Deneen	Kendrick	Robinson, Ind.	Waterman
Edge	McNary	Sackett	Watson
Fess	Moses	Schall	
Goff	Norbeck	Shorridge	

## NOT VOTING—27

Bayard	George	Keyes	Reed, Mo.
Burton	Gillett	La Follette	Robinson, Ark.
Copeland	Glenn	Larrazolo	Shipstead
Curtis	Gould	McLean	Simmons
Dale	Greene	Metcalf	Smoot
Edwards	Harrison	Nye	Tydings
Fletcher	Howell	Pittman	

So Mr. DILL's amendment was agreed to.

Mr. HALE. Mr. President, I reserve the right to have a separate vote in the Senate on the amendment.

I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and the Senate (at 6 o'clock and 2 minutes p. m.) took a recess until to-morrow, Saturday, February 23, 1929, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES

FRIDAY, February 22, 1929

The House met at 12 o'clock noon and was called to order by Mr. TILSON, as Speaker pro tempore.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou who dwellest in the heavens and earth, unto Thee will we lift up our eyes—Thou who holdest up the soul of the Nation and suffereth not its feet to be moved. Our souls are exceedingly filled with gratitude; let all the people praise Thee. We thank Thee for our country, with its broad lands and fertile vales, consecrated with the patriot's prayer and made billowy with our fathers' graves. Fortunate the people who can bring up their youth in the memory of the heroic deeds of patriots. Our thoughts stay on him who made possible our natal day, which proclaims the ideal Americanism. The heart of every lover of liberty, every dreamer of the finest ideals of free institutions, is going out in praise to Thee for the Father of the Republic, whose dust rests yonder beneath the terraced green of Mount Vernon. With him, intelligence, equal opportunity, and justice were the watchwords. Bless our native land, where life means growth, power, maturity, and Christian service. Allow no discord to mar our national brotherhood, but may all seek to serve all. Remembering Thy bountiful providence, we pray that the Gentle One, whose soft touch fell on the upturned foreheads of little children and opened wide His sheltering arms to all, doth now enfold in the infinite stretches of His mercy and wisdom our civilization and the world. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 4084. An act for the relief of the persons suffering loss on account of the Lawton (Okla.) fire, 1917;  
H. R. 9168. An act for the relief of Simon A. Richardson;  
H. R. 9597. An act for the relief of Fred Elias Horton.  
H. R. 9659. An act for the relief of F. R. Barthold.  
H. R. 10191. An act for the relief of G. J. Bell;  
H. R. 11385. An act for the relief of Dr. Andrew J. Baker;  
H. R. 14153. An act to authorize an additional appropriation of \$150,000 for construction of a hospital annex at Marion Branch;  
H. R. 14924. An act to authorize the Secretary of War to grant to the city of Salt Lake, Utah, a portion of the Fort Douglas Military Reservation, Utah, for street purposes;  
H. R. 14466. An act to provide for the sale of the old post-office property at Birmingham, Ala.;

H. R. 16568. An act to repeal that portion of the act of August 24, 1912, imposing a limit on agency salaries of the Indian Service; and

H. J. Res. 135. Joint resolution for the relief of special disbursing agents of the Alaska Railroad.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 924. An act for the relief of Joe D. Donisi;

H. R. 4266. An act for the relief of certain officers and former officers of the Army of the United States, and for the settlement of individual claims approved by the War Department;

H. R. 5769. An act to authorize the consolidation and coordination of Government purchases, to enlarge the functions of the General Supply Committee, and for other purposes;

H. R. 11285. An act to establish Federal prison camps; and

H. R. 13461. An act to provide for the acquisition of land in the District of Columbia for the use of the United States.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1688. An act for the relief of Gabriel Roth;

S. 2204. An act to amend section 284 of the Judicial Code of the United States;

S. 2213. An act providing against misuse of official badges;

S. 4817. An act for the relief of the Federal Construction Co. (Inc.);

S. 5349. An act to amend section 9 of the Federal reserve act and section 5240 of the Revised Statutes of the United States, and for other purposes.

S. 5632. An act to provide for producers and others the benefit of official tests to determine protein in wheat for use in merchandising the same to the best advantage, and for acquiring and disseminating information relative to protein in wheat, and for other purposes; and

S. J. Res. 100. Joint resolution to provide for appropriate military records for persons who, pursuant to orders, reported for military duty, but whose induction into the service was not, through no fault of their own, formally completed on or prior to November 30, 1918.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3848) entitled "An act creating the Mount Rushmore National Memorial Commission and defining its purposes and powers."

## ADDRESS OF HON. FRANKLIN FORT

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech delivered by the gentleman from New Jersey [Mr. FORT] before the Lincoln Club of St. Paul on February 12, 1929.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KNUTSON. Mr. Speaker, under leave granted me by the House I desire to insert in the RECORD an address delivered by Representative FRANKLIN FORT, of New Jersey, before the Lincoln Club, of St. Paul, on February 12. Under the title, "National Problems," Mr. FORT outlined some of the problems which now confront our country and which will engage much of the time of the Seventy-first Congress. Mr. FORT's clear grasp of his subject evoked much favorable comment among those who were so fortunate as to hear him, and I have received a number of very commendatory letters from Minnesota leaders who heard him on that occasion.

The speech is as follows:

## NATIONAL PROBLEMS

It will hardly startle you when I say that last November we Republicans won an overwhelming victory which will be finally consummated on March 4 by the inauguration of Herbert Hoover and CHARLES CURTIS and the seating of a vastly increased majority in the House and a safe majority in the Senate. If you accept the judgment of the press, the plums are ours as the fruit of the victory.

To me, this is sheer nonsense. A party which wins control of the Government of this Nation wins responsibility, not reward; and the responsibility is greater in proportion to the size of its majority. And the party which, when it has won, approaches March 4 in the mood of exultant victory rather than of sober thoughtfulness will have its sober mood after the next election.

Our exultation to-night is not as we look ahead, but behind. For 52 out of the last 68 years of American history, the Republican Party has been in control of the Government of this country. And as a whole, those 68 years have marked the greatest period of advancement,